

**ORDINANCE NO. 20-18( )**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 18-5.1.51 Outdoor activities in industrial districts

Sec. 18-5.1.52 Outdoor storage in industrial districts

**Chapter 18. Zoning**

**Article II. Basic Regulations**

**Sec. 5 Supplementary Regulations**

**Sec. 5.1 Supplementary Regulations**

**Sec. 5.1.51 - Outdoor activities in industrial districts.**

Except as otherwise expressly permitted for a particular use, each use permitted by right or by special use permit in an industrial district ~~shall be~~ is subject to the following:

- a. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity ~~shall~~ must be conducted within a completely enclosed building.
- b. No outdoor activity, including the location of internal access roads, ~~shall~~ may be established, conducted or used within 100 feet of a residential or agricultural district.
- c. No activity ~~shall~~ may be conducted outdoors between 7:00 p.m. and 7:00 a.m.
- d. The Board of Supervisors may approve a variation or exception from any requirement of this section.
  1. The agent will provide written notice by first class mail or by hand at least five days before the Board hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owners associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent.
  2. A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required waives the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

(§ 5.1.51, [Ord. 13-18\(1\)](#), 4-3-13)

**Sec. 5.1.52 - Outdoor storage in industrial districts.** Except as otherwise expressly permitted for a particular use, the outdoor storage of parts, materials and equipment in an industrial district ~~shall be~~ is subject to the following:

- a. Storage areas ~~shall~~ must be fully screened by a planting strip, existing vegetation, berm, a solid wall or fence, or a combination thereof, to the reasonable satisfaction of the agent. ~~by a solid wall or fence, including solid entrance and exit gates, not less than seven feet nor more than ten feet in height.~~
- b. ~~No wall or fence screening a storage area shall encroach into a sight distance triangle. The parts, materials and equipment stored in a storage area shall~~ may not be stacked higher than provided screening. ~~than the screening wall or fence.~~
- c. No outdoor storage ~~shall~~ may be located within 50 feet of a residential or agricultural district.
- d. The outdoor storage of recyclable materials, other than inert materials, at a recycling collection or recycling processing center is prohibited. The outdoor storage of such inert materials must comply with the following:
  - i. No inert materials may be stored within 100 feet of any agricultural or residential lot line.
  - ii. Trees and vegetation within the 100-foot setback must be maintained as a buffer to abutting properties.
- e. The Board of Supervisors may approve a variation or exception from any requirement of this section.
  1. The agent will provide written notice by first class mail or by hand at least five days before the Board hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owners associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent.
  2. A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required waives the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

(§ 5.1.52, [Ord. 13-18\(1\)](#), 4-3-13)

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of \_\_\_\_ to \_\_\_\_, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____