

ZTA201800002 Commercial/Industrial Zoned Properties not served by public water with Staff Comments

PROPOSED BY-RIGHT USE COMMERCIAL DISTRICTS	STAFF COMMENT, DEFINITIONS & SUPPLEMENTAL REGULATIONS (Where applicable)
Livestock sales	Supportive of Agriculture <i>Livestock:</i> Domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep. <i>Agriculture:</i> An agricultural operation, the keeping of livestock or poultry, or both, regardless of whether the keeping of livestock or poultry qualifies as an agricultural operation. The term includes accessory processing facilities for agricultural products grown or raised solely on the farm on which the agriculture is located, such as fruit packing plants and dairies. The term does not include any processing facilities permitted only by special use permit. (Amended 12-2-87, 5-5-10, 11-12-14)
Feed and Seed Stores	Supportive of Agriculture
Retail nurseries and greenhouses	Greenhouses are allowed by-right in the RA
Farmers Markets and farm stands	<i>Definition: Agricultural products:</i> Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. (Added 11-12-14) Farm stands are by-right in RA and farmers markets by SP <i>Farmers' market:</i> The sale of agricultural products, value-added products, and accessory merchandise either outdoors or within a temporary or permanent structure by two (2) or more vendors in the rural areas (RA) district or by one or more vendors in any other zoning district where the use is allowed, where each vendor selling the products and merchandise is engaged in production agriculture in Albemarle County regardless of whether it is on or not on the lot on which the farmers' market is located. <i>Farm stand:</i> The sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in Albemarle County, but not on the lot on which the farm stand is located. <i>Local agricultural products:</i> Agricultural products grown or produced in Albemarle County or its abutting localities. (Added 5-5-10) Strategy 1j: Consider amending the Zoning Ordinance to allow landscape services and storage of landscape materials in the Rural Area.
Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance service	

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Storage/Warehousing/Distribution/Transportation of <u>agricultural products</u> less than 4,000 square feet	Strategy 1h: Change zoning regulations to permit appropriately-scaled collection and distribution facilities for local agricultural products in the Rural Area. Consider allowing these uses by-right. <i>Storage/Warehousing/Distribution/Transportation</i>: An establishment used primarily for the safekeeping, selling or transferring of saleable goods or raw materials to be incorporated into saleable goods including, but not limited to, storage facilities, call centers, data processing facilities or transit; an establishment used as a privately owned and operated waste transfer station; and towing services and the storage of vehicles in conjunction with that service. (Added 4-3-13) Definition: <i>Agricultural products</i>: Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. (Added 11-12-14) Strategy 1h: Change zoning regulations to permit appropriately-scaled collection and distribution facilities for local agricultural products in the Rural Area. Consider allowing these uses by-right.
Manufacturing/Processing/Assembly/Fabrication and Recycling of <u>agricultural products</u> less than 4,000 square feet	<i>Manufacturing/Processing/Assembly/Fabrication/Recycling</i>: The processing and/or converting of goods, materials or products; the assembly of components, pieces or subassemblies into articles or substances of different character, or for use for a different purpose. (Added 4-3-13) Already considered an appropriate use to consider for the RA since it is a special use permit use
Daycare Centers	<i>Day care center</i>: An establishment operated for the purpose of providing care, protection and guidance to a group of six (6) or more children under the age of thirteen (13) during the absence of a parent or guardian during a part of a day, and includes those establishments commonly known as preschools and nursery schools. The term "day care center" does not include: (1) an establishment licensed and regulated as a summer camp pursuant to Virginia Code § 35.1-1 <i>et seq.</i>; (2) a school extended day enrichment program; (3) a school, unless such school is operating a day care center outside of regular classes; and (4) a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. The uses identified in this chapter as "child care," "day care," "nurseries" (for children) and "nursery facilities" are day care centers. (Added 10-3-01) 5.1.06 DAY CARE CENTERS Each day care center shall be subject to the following: a. <i>State licensure</i>. Each day care center shall acquire and maintain the required licensure from the Virginia Department of Social Services. The owner or operator of the day care center shall provide a copy of the license to the zoning administrator. The owner or operator's failure to provide a copy of the license to the zoning administrator shall be deemed to be willful noncompliance with the provisions of this chapter.

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	b. <i>Inspections by fire official.</i> The Albemarle County fire official is authorized to conduct periodic inspections of the day care center. The owner or operator's failure to promptly admit the fire official onto the premises to conduct an inspection in a manner authorized by law shall be deemed to be willful noncompliance with the provisions of this chapter. c. <i>Relationship to other laws.</i> The provisions of this section are supplementary to all other laws and nothing herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.
Schools of Special Instruction	Already considered an appropriate use to consider for the RA since it is a special use permit use <i>Private School:</i> An institution of instruction not established and maintained at public expense, including colleges and universities, and those institutions providing art, culinary, cultural, drama, music, technical or vocational education or training. The uses identified in this chapter as "school of special instruction" and "technical and trade school" are private schools, except that in any zoning district where a private school is permitted by right, and a technical and trade school is permitted only by special use permit, those uses shall be separate. (Amended 10-3-01)
Clubs and Lodges	Already considered an appropriate use to consider for the RA since it is a special use permit use <i>Club:</i> Any nonprofit organization organized and operated to provide facilities for dining, golf, tennis, swimming and/or other similar activities to its private self-perpetuating membership. 5.1.02 CLUBS, LODGES Each club or lodge shall be subject to the following: a. Regardless of any zoning district regulations, gun clubs and shooting ranges shall be permitted by special use permit only; (Amended 10-3-01) b. Subordinate uses and fund-raising activities such as bingo, raffles and auctions may be conducted outdoors during daylight hours and shall be conducted in an enclosed building at all other times. (Amended 6-14-00; 10-3-01)
Veterinary offices and hospitals Commercial Kennels Animal Shelters	-Already considered an appropriate use to consider for the RA since it is a special use permit use -Already zoned property commercial uses deemed appropriate for that use—supplemental regulations and greater setbacks/buffers against RA and Residential properties -Staff has recommended this use to provide a reasonable list of by-right uses for properties 5.1.11 COMMERCIAL KENNEL, VETERINARY SERVICE, OFFICE OR HOSPITAL, ANIMAL HOSPITAL, ANIMAL SHELTER Each commercial kennel, veterinary service, office or hospital, animal hospital and animal shelter shall be subject to the following:

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	a. Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than five hundred (500) feet to any agricultural or residential lot line. For non-soundproofed animal confinements, an external solid fence not less than six (6) feet in height shall be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator; b. For soundproofed confinements, no such structure shall be located closer than two hundred (200) feet to any agricultural or residential lot line. For soundproofed and non-soundproofed confinements, sound measured at the nearest agricultural or residential property line shall not exceed fifty-five (55) decibels; c. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m. d. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends the commission and board may require among other things: -Separate building entrance and exit to avoid animal conflicts. -Area for outside exercise to be exclusive from access by the public by fencing or other means.

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PROPOSED BY-RIGHT USE INDUSTRIAL	STAFF COMMENT/ORDINANCE DEFINITION/COMP PLAN REFERENCE
Organic fertilizer manufacture or processing	Similar to by-right uses in the RA such as Panorama Farm
Temporary or permanent sawmills, planing mills, wood yards	Sawmills are allowed by SP in the RA
Storage yards	Strategy 1j: Consider amending the Zoning Ordinance to allow landscape services and storage of landscape materials in the Rural Area. <i>Storage yard:</i> An area used for parking, storing and/or maintaining equipment, vehicles and materials used off-site in the trade, business or other commercial or industrial activity of the owner or occupant, and which may include storing and maintaining equipment, vehicles and materials within buildings or structures; but which use does not include parking, storing and/or maintaining heavy equipment and heavy vehicles, storing explosives, including blasting caps, storing nuclear products, by-products or wastes, or storing kerosene or other volatile materials except that which is reasonably necessary to maintain equipment and vehicles. (Added 11-12-08)
Storage/Warehousing/Distribution/Transportation of <u>agricultural products</u>	Strategy 1h: Change zoning regulations to permit appropriately-scaled collection and distribution facilities for local agricultural products in the Rural Area. Consider allowing these uses by-right. <i>Storage/Warehousing/Distribution/Transportation:</i> An establishment used primarily for the safekeeping, selling or transferring of saleable goods or raw materials to be incorporated into saleable goods including, but not limited to, storage facilities, call centers, data processing facilities or transit; an establishment used as a privately owned and operated waste transfer station; and towing services and the storage of vehicles in conjunction with that service. (Added 4-3-13)
Manufacturing/Processing/Assembly/Fabrication and Recycling of <u>agricultural products</u>	Strategy 1h: Change zoning regulations to permit appropriately-scaled collection and distribution facilities for local agricultural products in the Rural Area. Consider allowing these uses by-right. <i>Manufacturing/Processing/Assembly/Fabrication/Recycling:</i> The processing and/or converting of goods, materials or products; the assembly of components, pieces or subassemblies into articles or substances of different character, or for use for a different purpose. (Added 4-3-13)

