

ORDINANCE NO. 17-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE IV, PROCEDURES, 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 I, General Provisions, Article II, Basic Regulations, Article III, District Regulations, and Article IV, Procedures, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1	Definitions
Sec. 4.12.6	Minimum Number of Required Parking Spaces For Scheduled Uses
Sec. 4.15.3	Definitions and Qualifications
Sec. 4.15.5	Permanent Signs For Which A Sign Permit Is Required; Signs Exempt From Obtaining A Sign Permit
Sec. 4.15.8	Prohibited Signs And Sign Characteristics
Sec. 4.15.9	Maximum Sign Number, Area, Height, And Minimum Sign Setback In The RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, And PRD Zoning Districts
Sec. 4.15.10	Maximum Sign Number, Area, And Height, And Minimum Sign Setback In The PUD, DCD, And NMD Zoning Districts
Sec. 4.15.11	Maximum Sign Number, Area, And Height, And Minimum Sign Setback In The C-1, CO, HC, PD-SC, PD-MC, HI, LI, And PD-IP Zoning Districts
Sec. 4.19	Setbacks and Stepbacks In Residential Districts
Sec. 4.20	Setbacks and Stepbacks In Conventional Commercial and Industrial Districts
Sec. 5.1.11	Commercial Kennel, Veterinary, Animal Hospital
Sec. 5.1.20	Sale or Storage of Petroleum Products Including Kerosene, Gasoline, And Heating Oil
Sec. 5.1.27	Temporary Events Sponsored By Local Nonprofit Organizations
Sec. 5.8	Temporary Nonresidential Mobile Homes
Sec. 10.2.1	By Right
Sec. 10.2.2	By Special Use Permit
Sec. 12.2.1	By Right
Sec. 12.2.2	By Special Use Permit
Sec. 13.2.1	By Right
Sec. 13.2.2	By Special Use Permit
Sec. 13.3	R1 Area and Bulk Regulations
Sec. 14.2.1	By Right
Sec. 14.2.2	By Special Use Permit
Sec. 15.2.1	By Right
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Sec. 17.2.1	By Right
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Sec. 18.2.1	By Right
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Sec. 20.3.2	By Special Use Permit
Sec. 20.8.4	Height Regulations
Sec. 20B.2	Permitted Uses
Sec. 21.4	Height Regulations
Sec. 21.7	Minimum Yard Requirements
Sec. 22.2.1	By Right
Sec. 22.2.2	By Special Use Permit

Sec. 23.2.1	By Right
Sec. 23.2.2	By Special Use Permit
Sec. 26.4	Structure Height
Sec. 30.3.5	Definitions
Sec. 30.3.11	Permitted and Prohibited Uses and Structures
Sec. 30.3.15	Construction Standards
Sec. 30.3.17	Variances
Sec. 32.6.2	Contents of a Final Site Plan
Sec. 35.5	Pre-existing Use Fee Waiver

By Adding:

Sec. 5.1.62	Temporary Family Health Care Structures
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CHAPTER 18. ZONING

ARTICLE I. GENERAL PROVISIONS

3.1 DEFINITIONS

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Cemetery: Any land or structure used or intended to be used for the interment of human remains, either by earth – burial, entombment in a mausoleum, inurnment in a columbarium, or a combination thereof. The sprinkling of ashes or their burial in a biodegradable container on ~~church~~ religious assembly use grounds, or their placement in a columbarium on ~~church~~ religious assembly use property, is not a cemetery.

...

Group home: ~~A group home or other residential facility licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in which more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401 is neither a mental illness nor a developmental disability. A single-family dwelling having eight (8) or less mentally ill, mentally retarded or developmentally disabled persons is a single family residential use. The use identified in this chapter as “home for developmentally disabled persons” is a group home. A residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside with one or more resident or nonresident staff persons and which is licensed by the Virginia Department of Behavioral Health and Developmental Services or other licensing authority. For purposes of this definition “mental illness or developmental disability” shall not include current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401.~~

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Home for developmentally disabled persons: ~~See Group home.~~

...

Industrialized building: A combination of one or more sections or modules, subject to state regulation, and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. For purposes of this definition, a manufactured home is not an industrialized building. ~~The structure and use identified in this chapter as “temporary nonresidential mobile home” is an industrialized building.~~

...

Religious assembly use: A building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

...

Temporary family health care structure: A transportable residential structure providing an environment

facilitating a caregiver's provisions of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Virginia Code § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than three hundred (300) gross square feet in area; (iv) complies with the applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code, as amended; and (v) is not placed on a permanent foundation.

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ARTICLE II. BASIC REGULATIONS

SECTION 4. GENERAL REGULATIONS

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4.12.6 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR SCHEDULED USES

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~~Church~~ Religious assembly use: In the development areas identified in the comprehensive plan, if the area of assembly seats more than one hundred persons, one (1) space per three (3) fixed seats or per seventy-five (75) square feet of area of assembly, whichever shall be greater; if the area of assembly seats one hundred persons or fewer, one (1) space per four (4) fixed seats or per seventy-five (75) square feet of area of assembly, whichever shall be greater. In the rural areas identified in the comprehensive plan, the number of proposed spaces shall be shown in a parking study submitted by the ~~church~~ religious assembly use; the number of required spaces shall be determined by the zoning administrator, who shall consider the recommendations in the parking study, traffic generation figures either known to the industry or estimated by the Institute of Transportation Engineers, peak parking demands, and other relevant information. Nothing herein requires the parking study to be prepared by a transportation engineer.

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4.15.3 DEFINITIONS AND QUALIFICATIONS

Advertising vehicle. The term "advertising vehicle" means a motor vehicle, trailer or semitrailer (collectively, "vehicle") that: ~~(i) has a permanent or temporary sign affixed, painted on or placed upon it, including a sign that alters the vehicle's manufacturer's profile; provided that a temporary sign affixed to an employee's private vehicle during his or her working hours is not an advertising vehicle; (ii) is in operating condition, displays valid license plates, and displays an inspection decal that is either valid or has not been expired for more than sixty (60) days; (iii) is used as transportation for the business; and (iv) is parked in an approved parking space or parking area that serves the business, or temporarily parked at another business to actively receive or provide goods or services, such as to load or unload goods, provide on-site services, receive vehicle maintenance and repair, or obtain food for the driver and passengers.~~

4.15.5 PERMANENT SIGNS FOR WHICH A SIGN PERMIT IS REQUIRED; SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT

Each permanent sign is subject to the following:

...

- b. *Signs not required to obtain sign permit; subject to all other applicable requirements.* Each permanent sign classified in this subsection may be erected, altered, replaced, or relocated without first obtaining a sign permit, provided that it complies with all applicable requirements of this section 4.15 and the following:

...

2. *Advertising vehicles.* Advertising vehicles ~~that are: in which none of the prohibited conditions delineated in section 4.15.8(e)(2)(ii) or (iii) exist:~~
 - (i) in operating condition;
 - (ii) displaying valid license plates;
 - (iii) displaying an inspection decal that is either valid or has not been expired for more than sixty (60) days;
 - (iv) used as transportation for the business; and
 - (v) parked in an approved parking space or parking area that serves the business, or temporarily parked at another business to actively receive or provide goods or services, such as to load or unload goods, provide on-site services, receive vehicle maintenance and repair, or obtain food for the driver and passengers.

4.15.8 PROHIBITED SIGNS AND SIGN CHARACTERISTICS

Notwithstanding any other provision of this section 4.15, the following signs and sign characteristics are prohibited in all districts:

...

- c. *Certain sign types.* Signs that are:

...

2. Advertising vehicles ~~that are not permitted under, where (i) the vehicle is parked so as to be visible from a public right-of-way in a parking space or parking area not authorized by section 4.15.5(b)(2); (ii) the vehicle is an inoperable vehicle; or (iii) the vehicle is incapable of moving on its own or is not self-propelled.~~

4.15.9 MAXIMUM SIGN NUMBER, AREA, HEIGHT, AND MINIMUM SIGN SETBACK IN THE RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, AND PRD ZONING DISTRICTS

...

- b. In addition to the signs in the table, the following signs may be erected;

...

2. *Advertising vehicles.* Advertising vehicles that are permitted under section 4.15.5(b)(2). ~~in which none of the prohibited conditions delineated in section 4.15.7(e)(2)(ii) or (iii) exist.~~

4.15.10 MAXIMUM SIGN NUMBER, AREA, AND HEIGHT, AND MINIMUM SIGN SETBACK IN THE PUD, DCD, AND NMD ZONING DISTRICTS

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- b. In addition to the signs in the table, the following signs may be erected;

...

2. *Advertising vehicles.* Advertising vehicles that are permitted under section 4.15.5(b)(2). ~~in which none of the prohibited conditions delineated in section 4.15.7(e)(2)(ii) or (iii) exist.~~

...

4.15.11 MAXIMUM SIGN NUMBER, AREA, AND HEIGHT, AND MINIMUM SIGN SETBACK IN THE C-1, CO, HC, PD-SC, PD-MC, HL, LI, AND PD-IP ZONING DISTRICTS

...

- b. In addition to the signs in the table, the following signs may be erected;

2. *Advertising vehicles.* Advertising vehicles that are permitted under section 4.15.5(b)(2), in which none of the prohibited conditions delineated in section 4.15.7(e)(2)(ii) or (iii) exist.

4.19 SETBACKS AND STEPBACKS IN RESIDENTIAL DISTRICTS

The following shall apply within the R-1, R-2, R-4, R-6, R-10, R-15, PRD, and PUD districts:

Infill: Setbacks	
Front-Minimum	Closest setback of an existing structure <u>main building</u> within 500 feet in each direction along <u>the same side of the</u> street fronted
Front-Maximum	None
Garage-Minimum	Front loading <u>attached or detached</u> garage: <u>Whichever is greater between the closest setback of an existing main building within 500 feet in each direction along the same side of the street fronted or 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way</u> Side loading garage: Closest setback of an existing structure within 500 feet in each direction along street fronted
Garage-Maximum	None
Side-Minimum	10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, Rural Areas, or the Monticello Historic district, any dwelling unit that exceeds 35 feet in height shall be set back 10 feet plus one foot for each foot the dwelling unit exceeds 35 feet in height
Side-Maximum	None
Rear-Minimum	20 feet
Rear- Maximum	None
Infill: Stepbacks	
Front	Floors <u>For each story that begins</u> above 40 feet <u>in height</u> or <u>for each story above</u> the third story, whichever is less, <u>the minimum stepback</u> shall be stepped back a minimum of 15 feet
Side and Rear	None
Non-Infill: Setbacks	
Front-Minimum	5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
Front-Maximum	In the R-1 and R-2 districts: None In the R-4, R-6, R-10, and R-15 districts: 25 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; none, on any lot, including a corner lot, abutting a principal arterial highway <u>or interstate</u>
Garage-Minimum	Front loading garage: 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: 5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way

Garage-Maximum	None
Side-Minimum	None; see Non-Infill Building Separation
Side-Maximum	None
Rear-Minimum	20 feet
Rear- Maximum	None
Non-Infill:Building Separation	
Minimum	10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, rural areas, or the Monticello Historic district, any building that exceeds 35 feet in height shall be separated from any other building by 10 feet plus one foot for each foot the building exceeds 35 feet in height
Side-Maximum	None
Non-Infill: Stepbacks	
Front	Floors <u>For each story that begins</u> above 40 feet <u>in height</u> or <u>for each story above</u> the third story, whichever is less, <u>the minimum stepback</u> shall be stepped back a <u>minimum of 15 feet</u>
Side and Rear	None

- Whether a site is an infill or non-infill development, and the minimum and maximum setback, shall be determined by the zoning administrator as an official determination provided to the owner.
- Any minimum setback and any minimum building separation for a side yard, may be reduced by special exception.
- The maximum front setback for a non-infill development shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple ~~dwellings~~ buildings on the same lot and prevailing development patterns.. On any parcel with multiple main buildings, at least one main building shall meet the maximum setback.
- The maximum front setback for a non-infill development may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.
- The minimum 15 foot stepback applies to all buildings on the property and may be reduced by special exception.
- Notwithstanding section 4.6.3, the front setbacks in the districts subject to this section shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
- On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

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4.20 SETBACKS AND STEPBACKS IN CONVENTIONAL COMMERCIAL AND INDUSTRIAL DISTRICTS

Setbacks and stepbacks shall be provided as follows:

- Conventional commercial districts.* The following shall apply within the C-1, CO, and HC districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way
Front-Maximum	30 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way, provided that this maximum setback shall not apply to any structure existing on June 3, 2015 and to any structure depicted on an approved final site plan that is valid on June 3, 2015 as having a front setback greater than 30 feet; none, on any lot, including a corner lot, abutting a principal arterial highway <u>or interstate</u>
Side and Rear-Minimum	If the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no off-street parking or loading space shall be located closer than 20 feet to the district boundary. If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.
Side and Rear-Maximum	None
Stepbacks	
Front	For each story that begins <u>Floors above 40 feet in height or for each story above the third story, whichever is less, shall be stepped back a the minimum stepback shall be of 15 feet</u>
Side and Rear	None

1. The maximum front setback shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building shall meet the maximum setback.
 2. The maximum front setback may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.
 3. Any minimum setback may be reduced by special exception.
 4. The minimum 15 foot stepback may be reduced by special exception.
 5. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this subsection shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
 6. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.
- b. *Conventional industrial districts.* The following shall apply within the LI and HI districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way

Front-Maximum	None
Side and Rear-Minimum	In the LI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. In the HI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 100 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary. If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.
Side and Rear-Maximum	None
Stepbacks	
Front	For each story that begins <u>Floors above 40 feet in height or for each story above the third story, whichever is less, shall be stepped back a the minimum stepback shall be</u> of 15 feet
Side and Rear	None

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SECTION 5. SUPPLEMENTARY REGULATIONS

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5.1.11 COMMERCIAL KENNEL, VETERINARY SERVICE, OFFICE OR HOSPITAL, ANIMAL HOSPITAL, ANIMAL SHELTER

~~Each commercial kennel, veterinary and animal hospital shall be subject to the following:~~

Each commercial kennel, veterinary service, office or hospital, animal hospital and animal shelter shall be subject to the following:

- 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;
- 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 nonsoundproofed confinements, noise measured at the nearest agricultural or residential property line shall not exceed fifty-five (55) decibels;
- In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
- 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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5.1.20 SALE OR STORAGE OF PETROLEUM PRODUCTS INCLUDING KEROSENE, GASOLINE, AND HEATING OIL

The sale or storage of petroleum products, including kerosene, gasoline, and heating oil, in excess of six hundred (600) gallons shall be subject to the following:

- a. The sale or storage of the petroleum products shall satisfy the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the “Flammable and Combustible Liquids Code, NEPA 30” of the Nation Fire Prevention Association.
- b. No storage tanks and loading facilities shall be located closer than one hundred (100) feet from any lot line. Notwithstanding the foregoing, underground storage tanks and loading facilities on sites served by the public water supply shall not be subject to the one hundred (100) foot lot line setback.

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5.1.27 TEMPORARY EVENTS SPONSORED BY LOCAL NONPROFIT ORGANIZATIONS

This provision is intended to regulate for purposes of public health, safety and welfare, major events such as agricultural expositions, concerts, craft fairs, and similar activities which generally: attract large numbers of patrons; may be disruptive of the area; and occasion the need for planning in regard to traffic control, emergency vehicular access, health concerns and the like. The provision is not intended to regulate such minor events as ~~church~~ religious assembly use bazaars, yard sales, bake sales, car washes, picnics and the like which generally are not disruptive of the area and require only minimal logistical planning; nor is it intended to permit permanent amusement facilities. Each such event shall be sponsored by one or more not-for-profit organizations operating primarily in the county and/or the city of Charlottesville.

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5.1.62 TEMPORARY FAMILY HEALTH CARE STRUCTURES

Each temporary family health care structure shall be subject to the following:

- a. Temporary family health care structures shall be a permitted accessory use in any single family residential district on lots zoned for single family detached dwellings if the structure (i) is used by a caregiver in providing care for a mentally or physically impaired person; and (ii) is on property owned or occupied by the caregiver as his residence. For purposes of this section, “caregiver” and “mentally or physically impaired person” shall have the same meaning as defined in Virginia Code § 15.2-2292.1.
- b. Any person proposing to install the structure shall first obtain a zoning clearance.
- c. The structure must meet the following requirements:
 1. Only one (1) such structure shall be allowed on a lot. The structure shall comply with all setback requirements that apply to the primary structure.
 2. The applicant must provide evidence of compliance with this section to the county one year after the date of installation, and every year thereafter, as long as the structure remains on the property. Evidence of compliance shall include inspections by the county of the structure at reasonable times.
 3. The applicant must comply with all applicable Virginia Department of Health requirements.
 4. No signage advertising or otherwise promoting the existence of the structure shall be permitted anywhere on the property.

5. The structure shall be removed within thirty (30) days after the mentally or physically impaired person is no longer receiving, or is no longer in need of, the assistance provided for in this section.
6. The zoning administrator may revoke any zoning clearance granted hereunder if the permit holder violates any provision of this section, in addition to any other remedies that the county may seek against the permit holder, including injunctive relief or other appropriate legal proceedings to ensure compliance.

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5.8 TEMPORARY ~~NONRESIDENTIAL MOBILE HOMES~~ INDUSTRIALIZED BUILDING

A temporary ~~nonresidential mobile home~~ industrialized building may be authorized by the zoning administrator provided the ~~mobile home~~ industrialized building is necessitated to provide additional space for employees, students or other people and is to be an activity area as opposed to being employed for storage purposes or equipment which could be accommodated in an accessory structure. Such ~~mobile home~~ industrialized building shall be located on the same site as the main established use for which additional space is needed. In the event of the expansion of the main permanent structure, the ~~mobile home~~ industrialized building shall be removed within thirty (30) days of issuance of a certificate of occupancy for the permanent structure. Temporary ~~nonresidential mobile home~~ industrialized building permits shall be subject to the following conditions: (Amended 12-5-90)

- a. Administrative approval of site development plan after submittal to site review committee; (Amended 12-5-90)
- b. Albemarle County building official approval;
- c. The applicant and/or owner of the property shall certify as to the intent for locating the ~~mobile home~~ industrialized building at the time of application;
- d. Skirting to be provided from ground level to base of mobile home within thirty (30) days of the issuance of a certificate of occupancy.

ARTICLE III. DISTRICT REGULATIONS

SECTION 10. RURAL AREAS DISTRICT, RA

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10.2.1 BY RIGHT

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

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32. Group home (reference 5.1.07).

...

10.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

...

15. ~~Group home and homes for developmentally disabled persons as described in section 15.1-486.2 of the Code (reference 5.1.07).~~

...

35. ~~Church building~~ Religious assembly use ~~and adjunct cemetery.~~

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SECTION 12. VILLAGE RESIDENTIAL - VR

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12.2.1 BY RIGHT

The following uses shall be permitted by right in the VR district, subject to the applicable requirements of this chapter:

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12. Group home~~Homes for developmentally disabled persons~~ (reference 5.1.07).

...

12.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the VR district, subject to the applicable requirements of this chapter:

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15. ~~Churches~~ Religious assembly use. ~~(Added 9-2-81)~~

...

SECTION 13. RESIDENTIAL – R-1

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13.2.1 BY RIGHT

The following uses shall be permitted by right in the R-1 district, subject to the applicable requirements of this chapter:

...

11. Group home~~Homes for developmentally disabled persons~~ (reference 5.1.07).

...

13.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-1 district, subject to the applicable requirements of this chapter:

...

10. ~~Churches~~ Religious assembly use. ~~(Added 9-2-81)~~

13.3 AREA AND BULK REGULATIONS

Area and bulk regulations within the R-1, Residential, district are as follows:

REQUIREMENTS	STANDARD LEVEL		BONUS LEVEL	
	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT
Gross density	0.97 du/acre	0.97 du/acre	1.45 du/acre	1.45du/acre
Minimum Lot Size	45,000 sq ft	30,000 sq ft	30,000 sq ft.	20,000 sq ft
Minimum frontage: public, private	120 feet	100 feet	100 feet	80 feet
The minimum and maximum yards, including those for garages, and minimum building separation, shall be as provided in section 4.19.				
Maximum Structure height	35 feet	35 feet	35 feet	30 <u>5</u> feet

SECTION 14. RESIDENTIAL – R-2

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14.2.1 BY RIGHT

The following uses shall be permitted by right in the R-2 district, subject to the applicable requirements of this chapter:

- ...
11. ~~Group home~~Homes for developmentally disabled persons (reference 5.1.07).
- ...

14.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-2 district, subject to the applicable requirements of this chapter:

- ...
12. ~~Churches~~ Religious assembly use. (Added 9-2-81)
- ...

SECTION 15. RESIDENTIAL – R-4

15.2.1 BY RIGHT

The following uses shall be permitted by right in the R-4 district, subject to the applicable requirements of this chapter:

- ...
13. ~~Group home~~Homes for developmentally disabled persons (reference 5.1.07).
- ...

15.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-4 district, subject to the applicable requirements of this chapter:

- ...
12. ~~Churches~~ Religious assembly use. (Added 9-2-81)
- ...

SECTION 16. RESIDENTIAL – R-6

16.2.1 BY RIGHT

The following uses shall be permitted by right in the R-6 district, subject to the applicable requirements of this chapter:

- ...
6. ~~Group home~~Homes for developmentally disabled persons (reference 5.1.07).
- ...

16.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-6 district, subject to the applicable requirements of this chapter:

- ...
12. ~~Churches~~ Religious assembly use. (Added 9-2-81)
- ...

SECTION 17. RESIDENTIAL – R-10

17.2.1 BY RIGHT

The following uses shall be permitted by right in the R-10 district, subject to the applicable requirements of this chapter:

...

6. Group home~~Homes for developmentally disabled persons~~ (reference 5.1.07).

...

17.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-10 district, subject to the applicable requirements of this chapter:

...

14. ~~Churches~~ Religious assembly use. ~~(Added 9-2-81)~~

...

17.8 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any ~~structure~~ story that begins above ~~exceeding~~ forty (40) feet in height or for each story above the third story ~~three (3) stories~~, whichever is less, in height shall be as provided in section 4.19.

...

SECTION 18. RESIDENTIAL – R-15

...

18.2.1 BY RIGHT

The following uses shall be permitted by right in the R-15 district, subject to the applicable requirements of this chapter:

...

6. Group home~~Homes for developmentally disabled persons~~ (reference 5.1.07).

...

18.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-15 district, subject to the applicable requirements of this chapter:

...

14. ~~Churches~~ Religious assembly use. ~~(Added 9-2-81)~~

...

18.8 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any ~~structure~~ story that begins above ~~exceeding~~ forty (40) feet in height or for each story above the third story ~~three (3) stories~~, whichever is less, in height shall be as provided in section 4.19.

...

SECTION 19. PLANNED RESIDENTIAL DEVELOPMENT - PRD

...

19.3.1 BY RIGHT

The following uses shall be permitted by right in the PRD district, subject to the applicable requirements of this chapter:

...

10. Group home~~Homes for developmentally disabled persons~~ (reference 5.1.07).

...

19.3.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the PRD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use as shall be included in the original PRD rezoning petition:

...

6. ~~Churches~~ Religious assembly use. ~~(Added 9-2-81)~~

...

19.7 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any ~~structure~~ story that begins above ~~exceeding~~ forty (40) feet in height or for each story above the third story ~~three (3) stories~~, whichever is less, in height shall be as provided in section 4.19.

...

SECTION 20. PLANNED UNIT DEVELOPMENT - PUD

...

20.3.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the PUD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use as shall be included in the original PUD rezoning petition:

...

6. ~~Churches~~ Religious assembly use.

...

20.8.4 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any ~~structure~~ story that begins above ~~exceeding~~ forty (40) feet in height or for each story above the third story ~~three (3) stories~~, whichever is less, in height shall be as provided in section 4.19.

...

SECTION 20B. DOWNTOWN CROZET DISTRICT - DCD

...

20B.2 PERMITTED USES

The following uses shall be permitted in the DCD, subject to the regulations in this section:

...

- C. *By right uses; public and civic.* The following public and civic uses are permitted by right:

1. ~~Churches.~~ Religious assembly use.

...

SECTION 21. COMMERCIAL DISTRICTS - GENERALLY

...

21.4 HEIGHT REGULATIONS

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any ~~structure~~ story that begins above ~~exceeding~~ forty (40) feet in height or for each story above the third story ~~three (3) stories~~, whichever is less, in height shall be as provided in section 4.19.

...

21.7 MINIMUM YARD REQUIREMENTS

...

- c. *Buffer zone adjacent to residential and rural areas districts.* For the purpose of this subsection, a buffer shall not be required when a commercial zone is across a street from a residential or rural area district. No construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.
- ...

SECTION 22. COMMERCIAL – C-1

...

22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

...

- b. The following services and public establishments:
- ...

3. ~~Churches~~ Religious assembly use, cemeteries.
- ...

22.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted in the C-1 district only by special use permit approved by the board of supervisors:

...

4. ~~Fast food restaurant~~
- ...

SECTION 23. COMMERCIAL OFFICE - CO

...

23.2.1 BY RIGHT

The following uses shall be permitted in the CO district, subject to the applicable requirements of this chapter:

...

4. ~~Churches~~ Religious assembly use, ~~cemeteries~~.
- ...

23.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted in the CO district only by special use permit approved by the board of supervisors:

...

- ~~12. Research and development activities including experimental testing.~~

- ~~13. Laboratories, medical or pharmaceutical.~~

- ~~14~~12. Indoor athletic facilities.

- ~~4513.~~ Tier III personal wireless service facilities (reference 5.1.40).
~~4614.~~ Storage/Warehousing/Distribution/Transportation.
~~4715.~~ Manufacturing/Processing/Assembly/Fabrication/Recycling.

...

SECTION 26. INDUSTRIAL DISTRICTS - GENERALLY

...

26.4 STRUCTURE HEIGHT

(Formerly Standard Ratios, Repealed 4-3-13)

Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed sixty-five (65) feet. The minimum setback requirements for any ~~structure~~ story that begins above ~~exceeding~~ forty (40) feet in height or for each story above the third story ~~three (3) stories~~, whichever is less, in height shall be as provided in section 4.20.

...

SECTION 30. OVERLAY DISTRICTS

30.3 FLOOD HAZARD OVERLAY DISTRICT - FH

...

30.3.5 DEFINITIONS

...

Accessory structure: An accessory structure, as defined in section 3.1, is a non-residential structure having a footprint that does not exceed two hundred (200) square feet.

...

30.3.11 PERMITTED AND PROHIBITED USES AND STRUCTURES

The uses and structures permitted by right and by special use permit, and the uses and structures expressly prohibited, in the flood hazard overlay district are as follows:

Use or Structure	Regulatory Floodway	Floodway Fringe
Agricultural, Natural Resources, and Recreational Uses and Structures*		
Agricultural uses, limited to field crops, pasture, grazing, livestock, raising poultry, horticulture, viticulture and forestry; provided that no primary or accessory structures are permitted under this classification	BR	BR
Structures accessory to a permitted agricultural use; provided that no accessory structures having habitable space are permitted	N	BR
Recreational uses including, but not limited to, parks, swimming areas, golf courses and driving ranges, picnic areas, wildlife and nature preserves, game farms, fish hatcheries, hunting, fishing and hiking areas, athletic fields, and horse show grounds; provided that no primary or accessory structures are permitted under this classification	BR	BR
Structures accessory to a permitted recreational use; provided that no accessory structures for human habitation are permitted	N	BR
Sod farming	SP	SP
Topsoil, sand, and gravel removal	SP	SP
Flood and Water Related Uses and Structures*		
Flood warning aids and devices, water monitoring devices, and similar uses	BR	BR
Flood control, <u>stormwater conveyance</u> , or environmental restoration projects which: (i) are designed or directed by the county, a soil and water conservation district, or a public agency authorized to carry out flood control or environmental	BR	BR

restoration measures; or (ii) are reviewed and approved by the department of community development in accordance with the <u>Water Protection Ordinance and with no changes to the base floodplain elevation or horizontal limits to the flood plain.</u>		
Dams, levees and other structures for flood control or for the public drinking water supply	SP	SP
Engineered structures, including, but not limited to, retaining walls and revetments made of non-natural materials such as concrete which are constructed along channels or watercourses for the purpose of water conveyance or flood control	SP	SP
Water related uses such as boat docks and canoe liveries	SP	SP
Hydroelectric power generation (reference 5.1.26)	SP	SP
Public Utility and Telecommunications Uses and Structures*		
Electric, gas, oil and communications facilities, including poles, lines, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility, but excluding tower structures	BR	BR
Water distribution and sewage collection lines and appurtenances owned and operated by the Albemarle County Service Authority, but excluding pumping stations and holding ponds; public water and sewer transmission lines, main or trunk lines, and interceptors, but excluding treatment facilities and pumping stations, owned and/or operated by the Rivanna Water and Sewer Authority	BR	BR
Pump stations for water or wastewater, including power supply and control devices, holding ponds and other appurtenances	SP	SP
Electrical transmission lines and related towers; microwave and radio-wave transmission and relay towers	SP	SP
Tier I and Tier II personal wireless service facilities that are attached to an existing structure	N	BR
Tier III personal wireless service facilities	N	N
Stream Crossings and Grading Activities*		
Stream crossings for <u>a driveways serving only one</u> single-family dwellings and pedestrian trails, including, but not limited to, pedestrian and multi-use paths that are within county-owned or operated parks and greenways, and any footbridges necessary to cross tributary streams, watercourses and swales, that: (i) meet the applicable requirements of sections 17-406 and 17-604; (ii) demonstrate, in a floodplain impact plan, to the floodplain administrator's satisfaction, that construction of the crossing will have no impact on the elevations or limits of the floodplain; and (iii) will serve one dwelling unit that could not be accessed by any other means.	BR	BR
Bridges, ferries and culverts not serving single-family dwellings	SP	SP
Grading activities in compliance with the Water Protection Ordinance; provided that it is demonstrated, in a floodplain impact plan that the grading will have no impact on the elevations or limits of the floodplain and further provided that any cut or fill shall be only to level areas for playfields, correct erosion problems, build trails, or other fine grading activities which will have no impact on the floodplain. <u>For purposes of this provision, fine grading is defined as a balanced site (cut/fill) with no changes to the base floodplain elevation or horizontal limits to the floodplain.</u>	N	BR
Grading activities, including cut or fill, in compliance with the Water Protection Ordinance, but for which the floodplain administrator determines will or may cause the base flood elevation to rise or the horizontal limits of the floodplain to expand	N	SP
Miscellaneous Structures*		
Aircraft landing strips; provided that structures other than the landing strip, aircraft parking, and aircraft storage are prohibited	SP	SP
Fences	BR	BR

Structures accessory to uses permitted by right in the regulatory floodway, excluding structures having habitable space; provided that any such structure permitted shall be flood-proofed and anchored per FEMA standards <u>section 30.3.15.</u>	N	SP
Structure having habitable space, including any manufactured home, regardless of the structure's proposed use, whether it qualifies as a dwelling unit, and whether it is a primary or accessory structure	N	N
Storage as a Primary or Accessory Use*		
Storage of gasoline, kerosene and other petroleum products	N	N
Storage of flammable liquids, dynamite, blasting caps and other explosives	N	N
Storage of pesticides and poisons and other similar materials	N	N
Storage of machinery and motor vehicles except as accessory to a use allowed by right or by special use permit	N	N
Storage of junk	N	N

...

30.3.15 CONSTRUCTION STANDARDS

The following standards shall apply to any structure authorized under section 30.3.11 within the flood hazard overlay district, and its special flood hazard area zones:

...

G. Accessory Structures. Accessory structures in the floodplain shall comply with the non-residential structure requirements in section 30.3.15 or, if not elevated or dry flood-proofed, shall:

1. Not be used for human habitation;
2. Be limited to no more than 200 square feet in total floor area;
3. Be constructed with flood damage-resistant materials below the base flood elevation;
4. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
5. Be anchored to prevent flotation;
6. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
7. Shall be provided with flood openings which shall meet the following criteria:
 - a. There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
 - b. The total net area of all flood openings shall be at least one (1) square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
 - c. The bottom of each flood opening shall be one (1) foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
 - d. Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

...

30.3.17 VARIANCES

The board of zoning appeals is authorized to consider and act on applications for variances, subject to the following:

- ...
- D. *Factors to be considered.* In considering a variance application under this section, the board of zoning appeals shall consider the following factors in addition to those in section 34.2:
- ...

13. *Accessory structures.* Accessory structures within the floodplain that are greater than two hundred (200) square feet but not greater than six hundred (600) square feet and do not meet all of the requirements for non-residential structures in section 30.3.15 must secure a variance before a permit is issued. The structure must comply with the accessory structure criteria in section 30.3.15. No variance shall be granted for an accessory structure exceeding six hundred (600) square feet.

ARTICLE IV. PROCEDURE

SECTION 32. SITE PLAN

...

32.6.2 CONTENTS OF A FINAL SITE PLAN

Each final site plan shall contain the following information:

...

1. *Recreational facilities.* Specifications for recreational facilities that comply with sections 4.16- 4.16.3.
- ...

SECTION 35. FEES

...

35.5 PRE-EXISTING USE FEE WAIVER

If an applicant applies for a zoning text amendment or special use permit, the applicable fee shall be waived provided that the zoning administrator finds the following conditions are met:

- a. The use applied for does not conform to the zoning prescribed for the district in which the use is situated;
- b. A business license was issued by the county for the applied-for use; and
- c. The holder of the business license has operated continuously in the same location for at least fifteen (15) years and has paid all real estate, business license, and personal property taxes related to the use.

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

	Aye	Nay
Mr. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Sheffield	_____	_____