

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

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. 5.3 ~~Mobile~~ Manufactured Home Parks
- Sec. 5.3.1 Minimum Size ~~Mobile~~ Manufactured Home Parks
- Sec. 5.3.2 Maximum Density
- Sec. 5.3.3 Minimum Lot Sizes
- Sec. 5.3.4 Location of ~~Mobile~~ Manufactured Homes
- Sec. 5.3.5 Setbacks and Yards
- Sec. 5.3.6 Application Plan Required
- Sec. 5.3.7 Improvements Required – ~~Mobile~~ Manufactured Home Lots
- ~~Sec. 5.3.7.1 a.~~ Utilities
- ~~Sec. 5.3.7.2 b.~~ Markers for ~~Mobile~~ Manufactured Home Lots
- ~~Sec. 5.3.7.3 c.~~ Outdoor Living and Storage Areas
- ~~Sec. 5.3.7.4 d.~~ Additions to ~~Mobile~~ Manufactured Homes
- ~~Sec. 5.3.7.5 e.~~ Installation of ~~Mobile~~ Manufactured Homes
- Sec. 5.3.8 Improvements Required – ~~Mobile~~ Manufactured Home Park
- ~~Sec. 5.3.8.1 a.~~ Off-Street Parking
- ~~Sec. 5.3.8.2 b.~~ Internal Streets
- ~~Sec. 5.3.8.3 c.~~ Recreational Requirements
- ~~Sec. 5.3.8.4 d.~~ Pedestrian Access
- ~~Sec. 5.3.8.5 e.~~ Service Areas and Accessory Uses
- ~~Sec. 5.3.8.6 f.~~ Lighting
- ~~Sec. 5.3.8.7 g.~~ Landscaping and Screening
- Sec. 5.5 ~~Mobile~~ Manufactured Home Subdivisions
- Sec. 5.5.1 Purpose
- Sec. 5.5.2 Application
- Sec. 5.5.3 Special Use Permit Required
- Sec. 5.5.4 Minimum Size of ~~Mobile~~ Manufactured Home Subdivision
- Sec. 5.5.5 Subdivision Control
- Sec. 5.5.6 Application Plan Required
- Sec. 5.6 ~~Mobile~~ Manufactured Homes on Individual Lots
- Sec. 5.7 Temporary ~~Mobile~~ Manufactured Home Permit
- Sec. 5.7.1 Expiration, Renewal
- Sec. 5.8 Temporary Industrialized Building
- ~~Sec. 5.8.1 Expiration, Renewal~~
- Sec. 10.2.1 By Right
- Sec. 10.2.2 By Special Use Permit
- Sec. 11.3.1 By Right
- Sec. 12.2.1 By Right
- Sec. 12.2.2 By Special Use Permit

Sec. 12.4.3	Low and Moderate Cost Housing
Sec. 13.2.2	By Special Use Permit
Sec. 14.2.2	By Special Use Permit
Sec. 15.2.2	By Special Use Permit
Sec. 16.2.2	By Special Use Permit
Sec. 17.2.2	By Special Use Permit
Sec. 18.2.2	By Special Use Permit
Sec. 22.2.1	By Right
Sec. 24.2.1	By Right
Sec. 26.2	Permitted Primary and Accessory Uses and Structures; Prohibited Uses and Structures
Sec. 30.6.5	Development Exempt from Requirement to Obtain Certificate of Appropriateness

## CHAPTER 18. ZONING

### ARTICLE I. GENERAL PROVISIONS

#### 3.1 DEFINITIONS

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*Manufactured home:* A structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The structure and use commonly known ~~identified in this chapter~~ as a “mobile home” is a manufactured home. (Added 10-3-01)

**Comment:** HUD regulations classify all factory-built homes built after 1976 as “manufactured homes,” while such homes built before 1976 are classified as “mobile homes.” Saying “commonly known” acknowledges common parlance as well as identifying both HUD-regulated factory-built homes and pre-1976 mobile homes within this category.

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*~~Mobile~~ Manufactured home lot:* An area of land for the placement of a single ~~mobile~~ manufactured home and for the exclusive use of its occupants.

*~~Mobile~~ Manufactured home park:* One (1) or more contiguous parcels of land in which three (3) or more rental lots are provided for ~~mobile-manufactured~~ homes. (Amended 3-5-86)

*~~Mobile~~ Manufactured home subdivision:* A subdivision of land for the purpose of providing lots for sale for ~~mobile~~ manufactured homes.

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*Travel trailer:* A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer’s permanent identification “Travel Trailer” thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight provided its overall length does not

exceed twenty-nine (29) feet. For the purpose of this ordinance, a travel trailer shall not be deemed a ~~mobile~~ manufactured home.

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## ARTICLE II. BASIC REGULATIONS

### SECTION 5. SUPPLEMENTARY REGULATIONS

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#### **5.3 MANUFACTURED MOBILE HOME PARKS (~~Original section repealed and section reenacted 3-5-86~~)**

~~A mobile home park may be established by the commission and board of supervisors by special use permit obtained pursuant to section 31.0 of this ordinance.~~

~~It is intended that a mobile home park be located and designed so as to provide and maintain a desirable residential environment for the residents of the park and the residents of adjacent properties.~~

~~Mobile home parks shall be located in designated growth areas of the comprehensive plan.~~

**Comment:** These designations are aspirational in nature, and better suited to the comprehensive plan.

#### **5.3.1 MINIMUM SIZE MANUFACTURED MOBILE HOME PARKS**

A manufactured ~~mobile~~ home park shall consist of five (5) or more contiguous acres.

#### **5.3.2 MAXIMUM DENSITY**

A ~~mobile~~ manufactured home park shall conform to the maximum gross density requirements of the district in which it is located.

#### **5.3.3 MINIMUM LOT SIZES**

Each ~~mobile~~ manufactured home lot shall comply with the following area and width requirements:

**5.3.3.1a.** ~~Mobile~~ Manufactured home lots shall consist of at least four thousand five hundred (4,500) square feet ~~or more~~, and shall have a width of at least forty-five (45) feet ~~or more~~.

**5.3.3.2b.** ~~Mobile~~ Manufactured home lots served by either a central water or central sewerage system shall consist of at least forty thousand (40,000) square feet ~~or more~~, and shall have a width of at least one hundred (100) feet ~~or more~~.

**5.3.3.3c.** ~~Mobile~~ Manufactured home lots served by neither a central water supply nor a central sewerage system shall consist of at least sixty thousand (60,000) square feet ~~or more~~ and shall have a width of at least one hundred thirty (130) feet ~~or more~~.

### **5.3.4 LOCATION OF ~~MOBILE~~ MANUFACTURED HOMES**

- 5.3.4.1a. Each ~~mobile~~ manufactured home shall be located on a ~~mobile~~ manufactured home lot. The lot shall ~~also~~ provide space for outdoor living and storage areas and may provide space for a parking area.
- 5.3.4.2b. Each ~~mobile~~ manufactured home lot shall front on an internal street.
- 5.3.4.3c. No ~~mobile~~ manufactured home shall be located closer than fifty (50) feet from any service or recreational structure intended to be used by more than one (1) ~~mobile~~ manufactured home.
- 5.3.4.4d. The minimum distance between ~~mobile~~ manufactured homes shall be thirty (30) feet. The Albemarle County ~~Fire official~~ Marshal may require additional space between ~~mobile~~ manufactured homes if public water is not available or is inadequate for fire protection.

### **5.3.5 SETBACKS AND YARDS**

- 5.3.5.1a. ~~Mobile~~ Manufactured homes and other structures shall be set back at least fifty (50) feet from the right-of-way of an existing public street.
- 5.3.5.2b. ~~Mobile~~ Manufactured homes and other structures shall be set back at least fifty (50) feet from the ~~mobile~~ manufactured home park property line when it is adjacent to a residential or rural areas district.
- 5.3.5.3c. ~~Mobile~~ Manufactured homes and other structures shall be set back at least fifteen (15) feet from the right-of-way of internal private streets, common walkways and common recreational or service areas. This distance may be increased to twenty-five (25) feet for ~~mobile~~ manufactured homes or structures at roadway intersections and along internal public streets.
- 5.3.5.4d. ~~Mobile~~ Manufactured homes and other structures shall be set back at least six (6) feet from any ~~mobile~~ manufactured home space lot line.

### **5.3.6 APPLICATION PLAN REQUIRED**

- An application plan shall be submitted as part of the application for a ~~mobile~~ manufactured home park. The plan shall be reviewed by the site ~~plan~~ review committee, but shall be considered ~~preliminary~~ an initial site plan. Following approval of the special use permit, and prior to the issuance of a building permit or any clearing of the site, a final site ~~development~~ plan shall be approved. The final site ~~development~~ plan shall contain all the information required on the application plan in addition to all the information required in section 32.0, ~~site development plan~~.
- 5.3.6.1 The application plan shall contain the following information at a scale of one (1) inch equals forty (40) feet or larger:
    - a. Location of ~~tract or the~~ the parcel by a vicinity map, and landmarks sufficient to identify the location of the property;

- b. An accurate boundary survey of the tract;
- c. Existing roads, easements and utilities; watercourses and their names; owners, zoning and present use of ~~adjoining~~ abutting lots ~~tracts~~, and location of residential structures on ~~adjoining~~ abutting lots ~~tracts~~;
- d. Location, type and size of ingress and egress to the manufactured home park site;
- e. Existing and proposed topography accurately shown with a maximum contour interval of five (5) feet; areas shown with slopes of twenty-five (25) percent or greater;
- f. Flood plain limits;
- g. Proposed general road alignments and rights-of-way; general water, sewer and storm drainage lay-out; general landscape plan; common area with recreational facilities and walkways; service areas; common trash container locations; parking areas; a typical lot detail showing the manufactured ~~mobile~~ home stand, outdoor living and storage areas, parking area, setbacks and utility connections; and any other information necessary to show that these requirements can be met.

### **5.3.7 IMPROVEMENTS REQUIRED--~~MOBILE~~ MANUFACTURED HOME LOTS**

#### **5.3.7.1 UTILITIES**

- a. Utilities Each ~~mobile~~ manufactured home lot shall be provided with an individual connection to an approved sanitary sewage disposal system. ~~Each mobile home lot shall be provided with~~ and an individual connection to an approved central water supply or other potable water supply.

Each ~~mobile~~ manufactured home lot shall be provided with electrical service installed in accordance with the National Electrical Code.

#### **5.3.7.2 MARKERS FOR ~~MOBILE~~ HOME LOTS**

- b. Markers for manufactured home lots. Each ~~mobile~~ manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan.

#### **5.3.7.3 ~~OUTDOOR LIVING AND STORAGE AREAS~~**

- c. Outdoor living and storage areas. An outdoor living area shall be provided on each ~~mobile~~ manufactured home lot. At least one hundred (100) square feet shall be hard surfaced.

Storage buildings not to exceed one hundred fifty (150) square feet ~~in aggregate~~ shall be permitted in a designated area on each lot. Additional storage facilities may be provided in common areas.

#### **5.3.7.4 ADDITIONS TO MOBILE HOMES**

- d. *Additions to manufactured homes.* Additions to ~~mobile~~ manufactured homes are permitted, subject to the following conditions:

- ~~a.~~ 1. Albemarle County ~~b~~Building ~~o~~Official approval;
- ~~b.~~ 2. Applicable setbacks are met;
- ~~c.~~ 3. Total roof area lot coverage shall not exceed forty (40) percent of the ~~mobile~~ manufactured home lot.

#### **5.3.7.5 INSTALLATION OF MOBILE HOMES**

- e. *Installation of manufactured homes.* Installation of ~~mobile~~ manufactured homes shall comply with the requirements of the ~~Virginia Uniform Statewide~~ Building Code.

Skirting shall be provided around the ~~mobile~~ manufactured home from ground level to the base of the ~~mobile~~ manufactured home within ~~thirty (30)~~ sixty (60) days of the issuance of a certificate of occupancy.

**Comment:** The standard timeline for skirting has changed from 30 to 60 days, per the Building Official.

#### **5.3.8 IMPROVEMENTS REQUIRED--MOBILE MANUFACTURED HOME PARK**

##### **5.3.8.1 OFF-STREET PARKING**

- a. *Off-street parking.* Off-street parking for ~~mobile~~ manufactured homes, recreational uses and service areas shall be provided in accordance with section 4.12 of this ordinance. Parking for ~~mobile~~ manufactured homes may be provided on individual lots, or in convenient bays, in accordance with section 4.12.3.316. Additional parking area for recreational vehicles shall be provided in a common area at a rate of one (1) space per ten (10) units.

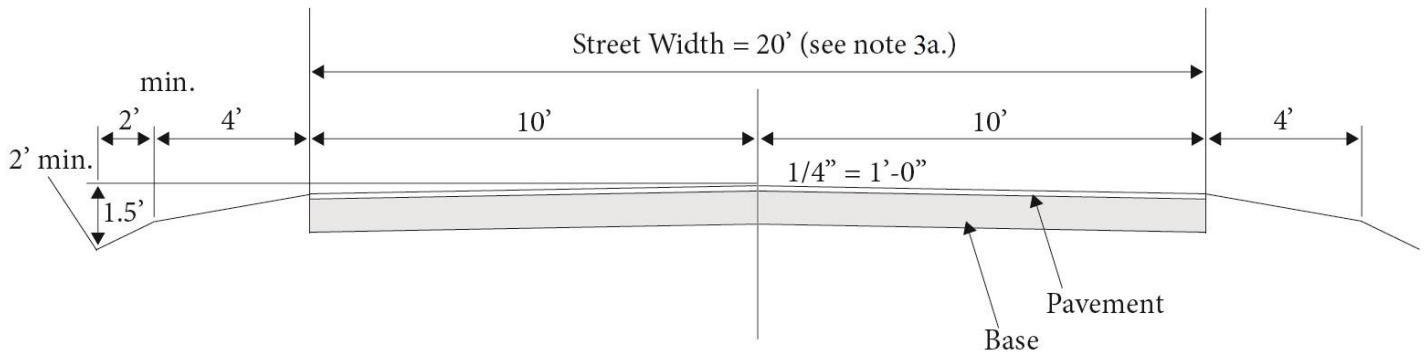
##### **5.3.8.2 INTERNAL STREETS**

- b. *Internal Street.* A minimum right-of-way width of forty (40) feet shall be established on internal private streets for the purpose of measuring setbacks. The right-of-way shall be maintained clear of all obstructions.

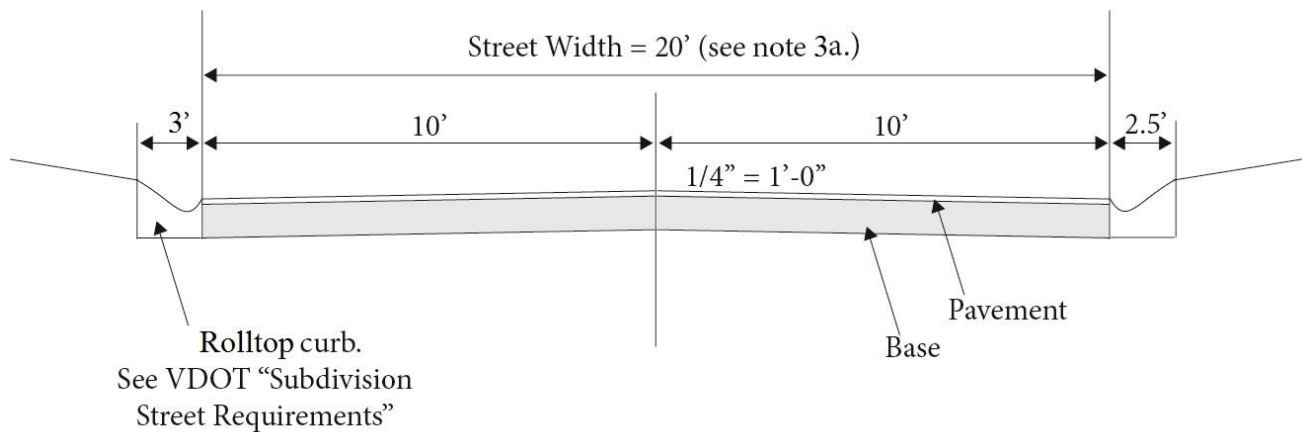
Internal private streets shall be constructed to the following minimum standards:

##### **MOBILE HOME PARK STREET STANDARDS**

1. Minimum typical section for access, entrance, or other connecting streets that do not abut ~~mobile~~ manufactured home sites and for streets that do abut ~~mobile~~ manufactured home sites where the lot frontage (measured at the ~~mobile~~ manufactured home setback line) is an average of eighty-five (85) feet or greater.



2. Minimum typical section for all park streets that abut ~~mobile~~ manufactured home sites where the lot frontage (measured at the ~~mobile~~ manufactured home setback line) is an average of less than eighty-five (85) feet.



**Comment:** These figures were hand-drawn in the 1986 ordinance, but seem to have been mistakenly omitted from our current ordinance. They were redrawn for readability.

3. General Design Notes:

(a.) Streets with no on-street parking serving up to fifty (50) manufactured home sites shall have a minimum width of twenty (20) feet. Increase street width to 24 feet for streets that serve over 50 mobile home sites. Streets with no on-street parking serving more than fifty (50) manufactured home sites shall have a minimum width of twenty-four (24) feet. Streets with on-street parking shall have a minimum clear width of at least twenty-two (22) feet, excluding parking space requirements.

**Comment:** This introduces a wider minimum clear width for streets with on-street parking. Previously, the mobile home park street standards did not address streets with on-street parking.

(b.) Pavement shall be prime and double seal bituminous surface treatment.  
Base shall be six inches of 21A or 21AB aggregate base.

**Comment:** This is an update as the aggregate bases are now known as 21A and 21B, not 21 and 21A.

- (c.) Maximum longitudinal street grade is ten (10) percent.
- (d.) Minimum vertical stopping sight distance is one hundred (100) feet.
- (e.) Minimum horizontal centerline curve radius is two hundred and fifty (250) feet.
- (f.) Cul-de-sacs shall have a minimum radius of forty-five (45) feet measured to the edge of pavement.
- (g.) Minimum radius of edge of pavement at intersections is twenty-five (25) feet.
- (h.) Roadside ditches shall be designed to contain the ten-year storm below the shoulder using Mannings “n” of 0.06 if lined with grass, or 0.015 if lined with concrete. Ditches may be grassed if the flow from the two-year storm does not exceed three feet per second for a Mannings “n” of 0.03. If the three foot per second velocity is exceeded, the ditches shall be paved with class A-3 concrete, four inches thick, to the depth of the ten-year storm. When the depth of the required roadside ditch (measured from the shoulder to the invert) exceeds 2.5 feet, the flow shall be piped in a storm sewer system.
- (i.) Driveway entrance culverts and culverts crossing streets shall be designed to contain the ten-year storm below the road shoulder using the appropriate Virginia Department of ~~Highways and~~ Transportation (~~VDH&T~~ VDOT) nomographs. When paved ditches are smoothly transitioned into the culverts, the culverts may be sized using Mannings formular. All culverts shall be concrete. Erosion control protection (~~VDH&T~~ VDOT standard EC-1) shall be placed at culverts when the outlet velocity exceeds five feet per second. Driveway culverts shall be a minimum of 12 feet long.
- (j.) Driveways shall be paved the same as streets to the right-of-way line. Aggregate base may be four inches thick.
- (k.) Curb drop inlets shall be placed along the tangent portions of the street or at the points of curve at intersections. Curb drop inlets shall be sized and located to prevent overtopping of the curb during the ten-year storm. Curb drop inlets shall be ~~VDH&T~~ VDOT DI-3A, 3B, or 3C with a type “A” nose.
- (l.) Storm sewers shall be designed in accordance with ~~VDH&T~~ VDOT criteria.
- (m.) All construction and materials shall be in accordance with current ~~VDH&T~~ VDOT road and bridge standards and specifications.

### **5.3.8.3 RECREATIONAL REQUIREMENTS**

- c. Recreation requirements. See section 4.16 ~~for recreation requirements.~~

#### **~~5.3.8.4 PEDESTRIAN ACCESS~~**

- d. *Pedestrian access.* The requirements of section 32.7.2.8~~3~~ shall be met. (Amended 10-3-01)

(§ 5.3.8.4, 12-10-80; Ord. 01-18(6), 10-3-01)

#### **~~5.3.8.5 SERVICE AREAS AND ACCESSORY USES~~**

- e. *Service areas and accessory uses.* Centrally located service buildings may provide common laundry facilities, office space for management and accessory uses as are customarily incidental to the operation and maintenance of a ~~mobile~~ manufactured home park. Consolidation of the service building and indoor recreational facilities is permitted. Other uses may be established in accordance with the regulations of the ~~zoning~~ district in which the park is located.

#### **~~5.3.8.6 LIGHTING~~**

- f. *Lighting.* All proposed exterior lighting shall be shown. Lighting shall be directed away from ~~mobile~~ manufactured homes, adjacent properties and roadways in a manner approved by the Zoning Administrator. ~~such that it does not create a nuisance or safety hazard and shall be shielded when necessary.~~

**Comment:** This change simplifies the standard, reducing confusion of imprecise language of “nuisance” and “when necessary.”

#### **~~5.3.8.7 LANDSCAPING AND SCREENING~~**

- g. *Landscaping and screening.* The requirements of section 32.7.9 shall be met. In addition, screening may be required in accordance with section 32.7.9.8~~(a)~~7 around the entire perimeter of the park, or part thereof, except where adequate vegetation already exists and a conservation plan has been submitted in accordance with section 32.7.9.4(b). (Amended 10-3-01)

(§ 5.3.8.7, 12-10-80; Ord. 01-18(6), 10-3-01)

#### **5.4 (Repealed 3-5-86)**

##### **5.4.1 (Repealed 3-5-86)**

##### **5.4.2 (Repealed 3-5-86)**

##### **5.4.3 (Repealed 3-5-86)**

##### **5.4.4 (Repealed 3-5-86)**

##### **5.4.5 (Repealed 3-5-86)**

## **5.5 ~~MOBILE~~ MANUFACTURED HOME SUBDIVISIONS**

### **5.5.1 PURPOSE**

This provision is designed primarily to benefit those who wish to acquire ownership or equity in a lot and occupy the premises themselves, but who may find it undesirable or difficult to construct a conventional single-family dwelling. ~~It is intended that~~ ~~conventional homes~~ single-family dwellings may be built in ~~mobile~~ manufactured home subdivisions and ~~that~~ owners of ~~mobile~~ manufactured homes in these subdivisions may ~~improve, convert or change~~ their residences from ~~mobile~~ manufactured homes to ~~conventional~~ single-family dwellings.

**Comment:** This change uses the ordinance-defined term “single-family dwellings” instead of the imprecise term “conventional.”

### **5.5.2 APPLICATION**

These regulations shall supplement and be in addition to the regulations of the district in which any such subdivision shall be located, except that no regulation which is by its nature inapplicable to ~~mobile~~ manufactured homes shall apply to ~~mobile~~ manufactured homes.

### **5.5.3 SPECIAL USE PERMIT REQUIRED**

A ~~mobile~~ manufactured home subdivision may be established by the ~~commission and the~~ ~~Board of~~ Supervisors by special use permit ~~obtained pursuant to section 31.0 of this ordinance.~~

**Comment:** Under Virginia Code § 15.2-2286(A)(3), only the governing body of a locality may grant special use permits, or delegate the authority to the Board of Zoning Appeals.

### **5.5.4 MINIMUM SIZE OF ~~MOBILE~~ MANUFACTURED HOME SUBDIVISION**

A ~~mobile~~ manufactured home subdivision shall ~~consist of~~ have at least ten (10) lots ~~or more.~~

### **5.5.5 SUBDIVISION CONTROL**

All ~~mobile~~ manufactured home subdivisions shall conform to the requirements of County Code Chapters 14 of the Code of Albemarle (Subdivision of Land), Chapter and 17 of the Code of Albemarle (Water Protection); and all other applicable law.

**Comment:** This removes redundant mentions of applicable codes.

### **5.5.6 APPLICATION PLAN REQUIRED**

A preliminary subdivision plat shall be submitted as part of the application for a ~~mobile~~ manufactured home subdivision, and shall be reviewed by the site ~~plan~~ review committee. Following approval of the special use permit, and prior to the issuance of a building permit or any clearing of the site, a final plat shall be approved. (Added 3-5-86)

## **5.6 ~~MOBILE~~ MANUFACTURED HOMES ON INDIVIDUAL LOTS (Amended 3-5-86; 11-11-92)**

~~While the Code of Virginia specifically provides for the restriction of mobile homes solely to mobile home parks among other regulatory provisions applicable to mobile home,~~ Albemarle ~~The~~ County, in an effort to provide for affordable housing for all residents, permits ~~mobile~~ manufactured homes to be situated on individual lots in certain ~~zoning~~ districts. ~~To ensure usage of such mobile homes for residential purposes, the~~ The following regulations shall apply:

- a. ~~Such mobile~~ The manufactured home shall be located on a foundation approved pursuant to the ~~Virginia Uniform Statewide Building~~ Code;
- b. ~~Such mobile~~ The manufactured home shall ~~not only~~ be used ~~for any purpose other than~~ as a primary place of residence.

**Comment:** This change removes unnecessary verbiage without changing the purpose or outcome of this section.

## **5.7 ~~TEMPORARY MOBILE~~ MANUFACTURED HOME PERMIT**

~~Temporary mobile home permits may be authorized by the~~ The zZoning aAdministrator may issue a temporary manufactured home permit if ~~provided the mobile manufactured~~ home is used only as ~~an interim means of~~ housing during construction of a permanent dwelling. The ~~mobile manufactured~~ home shall be removed within thirty (30) days ~~of after~~ issuance of a certificate of occupancy for the permanent dwelling. Temporary ~~mobile manufactured~~ home permits shall be subject to the following conditions:

- a. Albemarle County ~~bBuilding~~ aOfficial approval;
- b. The applicant and/or owner of the subject property shall certify ~~as to the intent for locating the mobile home at the time of application; the intended use of the manufactured home;~~
- c. Minimum frontage setback and side and rear yard setbacks shall be determined by the zZoning aAdministrator;
- d. Provision of potable water supply and sewerage facilities to the reasonable satisfaction of the ~~zoning administrator and the local office of the~~ Virginia Department of Health.

**Comment:** The Zoning Administrator has no role in the approval of water supply and sewerage facilities.

### **5.7.1 EXPIRATION, RENEWAL**

Any temporary manufactured home permit (“permit”) issued pursuant to section 5.7 shall expire eighteen (18) months after the date of issuance unless construction ~~has~~ shall have commenced and is thereafter prosecuted in good faith. The zZoning aAdministrator may revoke any ~~such~~ permit after ten (10) days written notice, at any time upon a finding that construction activities have been suspended for an unreasonable time or in bad faith. In any event, any such permit shall expire three (3) years from the date of issuance; provided,

however, that the ~~z~~Zoning ~~a~~Administrator may, for good cause shown, extend the ~~time of~~ ~~such expiration~~ duration of the permit beyond three (3) years for ~~not more than~~ up to two (2) successive periods of one (1) year each. (Amended 6-3-81)

## 5.8 TEMPORARY INDUSTRIALIZED BUILDING

A temporary industrialized building may be authorized by a zoning clearance issued by the ~~z~~Zoning ~~a~~Administrator provided the industrialized building is ~~neecessitated~~ necessary to provide additional space for employees, students or other people ~~and is to be as~~ as an activity area, ~~and further provided that the building is not primarily used for storage, as opposed to being employed for storage purposes or equipment which could be accommodate in an accessory structure.~~ Such 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 industrialized building shall be removed within thirty (30) days of issuance of a certificate of occupaney for the permanent structure. Temporary industrialized building permits shall be subject to the following conditions.~~ A temporary industrialized building also shall be subject to the following: (Amended 12-5-90, 8-9-17)

**Comment:** This change removes unnecessary verbiage and standards which are described more appropriately as conditions for approval below.

- a. Site plan. Before a building permit is issued for the temporary industrial building, the owner shall obtain Administrative approval of a site development plan after submittal to site review committee; (Amended 12-5-90)
- b. ~~Albemarle County building official approval;~~
- b. Statement from site owner. Before the Zoning Administrator issues a zoning clearance for the temporary industrialized building, the applicant and/or owner of the site shall submit a written statement to the Zoning Administrator explaining the purpose for the temporary industrialized building, the activities to be conducted therein, and the duration that the temporary industrialized building will be located on site;
- c. Location. A temporary industrialized building shall be located on the same site as the existing primary use for which additional space is needed;
- d. Conditions. In granting a zoning clearance for a temporary industrialized building, the Zoning Administrator may impose reasonable conditions to address any impacts arising therefrom, including but not limited to, conditions limiting the duration that the temporary industrialized building will be located on the site and requiring landscaping to screen the building from abutting properties and public rights-of-way.
- e. Skirting. Skirting shall be provided from the ground level to the base of the temporary industrialized building within sixty (60) days after the certificate of occupancy is issued.

**Comment:** The standard timeline for skirting has changed from 30 to 60 days, per the Building Official.

- f. Duration and extension. No temporary industrialized building shall remain on the site for more than three (3) years after obtaining the zoning clearance; provided that the

Zoning Administrator may extend the duration of the zoning clearance beyond three (3) years for up to two (2) successive periods of one (1) year each upon the owner demonstrating to the Zoning Administrator's satisfaction either: (i) expansion of the primary structure has commenced and its completion is being diligently pursued; or (ii) other good cause. If the permanent structure serving the primary use is thereafter expanded at any time while the temporary industrialized building is on the site, the temporary industrialized building shall be removed within thirty (30) days after the issuance of a certificate of occupancy for the permanent structure.

- g. *Revocation of authorization.* The Zoning Administrator may revoke the zoning clearance for the temporary industrialized building after ten (10) days written notice, at any time upon a finding that construction activities have been suspended for an unreasonable time or in bad faith.

**Comment:** Sections f and g have been divided and moved from 5.8.1 below.

- ~~e. The applicant and/or owner of the property shall certify as to the intent for locating the industrialized building at the time of application;~~
- ~~d. Skirting to be provided from ground level to base of industrialized building within thirty (30) days of the issuance of a certificate of occupancy. (Added 3-5-86)~~

(§ 5.8, 12-10-80; 3-5-86; 12-5-90; Ord. 17-18(4), 8-9-17)

#### **5.8.1 EXPIRATION, RENEWAL**

~~Any permit issued pursuant to section 5.8 shall expire three (3) years after the date of issuance unless expansion of the main permanent structure shall have commenced and is thereafter prosecuted in good faith.. The zoning administrator may revoke any such permit after ten (10) days written notice, at any time upon a finding that construction activities have been suspended for an unreasonable time or in bad faith. In any event, any such permit shall expire three (3) years from the date of issuance; provided, however, that the zoning administrator may, for good cause shown, extend the time of such expiration for not more than two (2) successive periods of one (1) year each. (Amended 12-5-90)~~

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### **SECTION 10. RURAL AREAS DISTRICT, RA**

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#### **10.2.1 BY RIGHT**

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15. Mobile Manufactured homes, individual, qualifying under the following requirements (reference 5.6):

- a. A property owner residing on the premises in a permanent home wishes to place a mobile manufactured home on such property in order to maintain a full-time agricultural employee.

- b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The ~~z~~Zoning ~~a~~AAdministrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.

16. Temporary ~~mobile~~ manufactured home in accordance with section 5.7.

...

19. ~~Mobile~~ Manufactured homes on individual lots (reference 5.6).

...

#### **10.2.2 BY SPECIAL USE PERMIT**

...

9. ~~Mobile~~ Manufactured home subdivisions (reference 5.5)

...

### **SECTION 11. MONTICELLO HISTORIC DISTRICT, MHD**

...

#### **11.3.1 BY RIGHT**

...

18. ~~Mobile~~ Manufactured homes, individual, qualifying under the following requirements (reference 5.6):

- a. A property owner residing on the premises in a permanent home wishes to place a ~~mobile~~ manufactured home on such property in order to maintain a full-time agricultural employee.
- b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The ~~z~~Zoning ~~a~~AAdministrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.

...

### **SECTION 12. VILLAGE RESIDENTIAL - VR**

...

#### **12.2.1 BY RIGHT**

...

14. ~~Mobile~~ Manufactured homes on individual lots (reference 5.6) (Added 11-11- 92)

...

#### **12.2.2 BY SPECIAL USE PERMIT**

...

9. ~~Mobile~~ Manufactured home subdivisions (reference 5.5).

...

#### **12.4.3 LOW AND MODERATE COST HOUSING**

...

- e. ~~Mobile~~ Manufactured homes for rent in an approved ~~mobile~~ manufactured home park shall be considered rental units under this section provided they qualify as low or moderate cost housing under the Housing and Urban Development Section 8 program; (Added 3-5-86)
- f. ~~Mobile~~ Manufactured home lots for rent in an approved ~~mobile~~ manufactured home park shall qualify for this bonus provided the developer shall enter into an agreement with the County of Albemarle that the lots shall be available for rent to ~~mobile~~ manufactured home owners for a period of five (5) years; (Added 3-5-86)
- g. ~~Mobile~~ manufactured home lots for sale in an approved ~~mobile~~ manufactured home subdivision shall qualify for this bonus provided the developer shall restrict the use of the lots to ~~mobile~~ manufactured homes or other low or moderate cost housing for a period of five (5) years. (Added 3-5-86)

...

### **SECTION 13. RESIDENTIAL - R-1**

...

#### **13.2.2 BY SPECIAL USE PERMIT**

...

- 8. ~~Mobile~~ Manufactured home subdivisions (reference 5.5).

...

### **SECTION 14. RESIDENTIAL - R-2**

...

#### **14.2.2 BY SPECIAL USE PERMIT**

...

- 8. ~~Mobile~~ Manufactured home subdivisions (reference 5.5).

...

### **SECTION 15. RESIDENTIAL - R-4**

...

#### **15.2.2 BY SPECIAL USE PERMIT**

...

- 8. ~~Mobile~~ Manufactured home subdivisions (reference 5.5).

...

- 14. ~~Mobile~~ Manufactured home parks (reference 5.3). (Added 3-5-86)

...

**SECTION 16. RESIDENTIAL - R-6**

...

**16.2.2 BY SPECIAL USE PERMIT**

...

8. ~~Mobile~~ Manufactured home subdivisions (reference 5.5).

...

14. ~~Mobile~~ Manufactured Home Parks (reference 5.3). (Added 3-5-86)

...

**SECTION 17. RESIDENTIAL - R-10**

...

**17.2.2 BY SPECIAL USE PERMIT**

...

8. ~~Mobile~~ Manufactured home subdivisions (reference 5.5).

...

17. ~~Mobile~~ Manufactured home parks (reference 5.3). (Added 3-5-86)

...

**SECTION 18. RESIDENTIAL - R-15**

...

**18.2.2 BY SPECIAL USE PERMIT**

...

8. ~~Mobile~~ Manufactured home subdivisions (reference 5.5).

...

17. ~~Mobile~~ Manufactured home parks (reference 5.3). (Added 3-5-86)

...

**SECTION 22. COMMERCIAL – C-1**

...

**22.2.1 BY RIGHT**

...

- b. The following services and public establishments:

...

23. Temporary ~~nonresidential mobile homes~~ industrialized buildings (reference 5.8).

...

**SECTION 24. HIGHWAY COMMERCIAL – HC**

...

**24.2.1 BY RIGHT**

23. ~~Mobile~~ Manufactured home and trailer sales and service.

...

40. Temporary ~~nonresidential mobile homes~~ industrialized buildings (reference 5.8).

...

## SECTION 26 INDUSTRIAL DISTRICTS – GENERALLY

...

### 26.2 PERMITTED PRIMARY AND ACCESSORY USES AND STRUCTURES; PROHIBITED USES AND STRUCTURES

...

Temporary Uses**				
Temporary construction headquarters (reference 5.1.18).	BR	BR	BR	BR
Temporary construction storage yards (reference 5.1.18).	BR	BR	BR	BR
Temporary events sponsored by local nonprofit organizations (reference 5.1.27).	SP	SP	SP	SP
Temporary <del>nonresidential mobile homes</del> <u>industrialized buildings</u> (reference 5.8).	BR	BR	BR	BR

...

## SECTION 30. OVERLAY DISTRICTS

### 30.6.5 DEVELOPMENT EXEMPT FROM REQUIREMENT TO OBTAIN CERTIFICATE OF APPROPRIATENESS

...

The following development is exempt from the requirements of section 30.6:

- Primary and accessory dwelling units if no site plan is required by this chapter.
- Structures for agricultural or forestal uses if no site plan is required by this chapter.
- Temporary construction headquarters (section 5.1.18(a)), temporary construction yards (section 5.1.18(b)), and temporary ~~mobile homes~~ industrialized buildings (section 5.7).

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. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____