

## **ORDINANCE NO. 18-18(2)**

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

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

### **By Amending:**

|             |  |
|-------------|--|
| 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. 24.2.1 | By Right   |
| Sec. 24.2.2 | By Special Use Permit  |
| Sec. 26.2   | Permitted Primary and Accessory Uses and Structure; Prohibited Uses and Structures |

## **CHAPTER 18. ZONING**

### **ARTICLE III. DISTRICT REGULATIONS**

#### **22.2 PERMITTED USES**

##### **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.

#### A. If the use is not served by public water or an approved central water supply system:

##### 1. The following retail sales and service establishments:

a. Retail nurseries and greenhouses.

b. Farmers' markets (reference 5.1.47).

##### 2. The following services and public establishments:

a. Religious assembly use, cemeteries. (Amended 8-9-17)

b. Clubs, lodges (reference 5.1.02).

c. Fire and rescue squad stations (reference 5.1.09).

d. Day care, child care or nursery facility (reference 5.1.6) ~~Nurseries, day care centers (reference 5.1.06).~~

*Updated term for consistency with ordinance use.*

e. Water, sewer, energy and communications distribution facilities.

f. Public uses (reference 5.1.12).

g. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

h. Dwellings (reference 5.1.21).

i. Temporary industrialized buildings (reference 5.8).

j. Stormwater management facilities shown on an approved final site plan or subdivision plat.

k. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

~~l.~~ Manufacturing/Processing/Assembly/Fabrication and Recycling of agricultural products provided the gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

~~m.~~ Storage/Warehousing/Distribution/Transportation of agricultural products provided that the floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

~~n.~~ Veterinary office and hospital (reference 5.1.11).

~~o.~~ Animal shelter (reference 5.1.11).

*Changed order of uses to allow for exclusion of Veterinary office and hospital and Animal shelter from By Right uses on property served by public water or approved central water supply system.*

B. If the use is served by public water or an approved central water supply system:

1. The following retail sales and service establishments:

~~1.~~ a. Antique, gift, jewelry, notion and craft shops.

~~2.~~ b. Clothing, apparel and shoe shops.

~~3.~~ c. Department store.

~~4.~~ d. Drug store, pharmacy.

~~5.~~ e. Florist.

~~6.~~ f. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.

~~7. g.~~ Furniture and home appliances (sales and service).

~~8. h.~~ Hardware store.

~~9. i.~~ Musical instruments.

~~10. j.~~ Newsstands, magazines, pipe and tobacco shops.

~~11. k.~~ Optical goods.

~~12. l.~~ Photographic goods.

~~13. m.~~ Visual and audio appliances.

~~14. n.~~ Sporting goods.

~~15. Retail nurseries and greenhouses.~~

~~16. Farmers' markets (reference 5.1.47).~~

~~17. o.~~ Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

~~18. p.~~ Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

~~19. q.~~ Drive-through windows (reference 5.1.60). (Added 3-2-16)

~~B2.~~ The following services and public establishments:

~~1a.~~ Administrative, professional offices.

~~2b.~~ Barber, beauty shops.

~~3. Religious assembly use, cemeteries. (Amended 8-9-17)~~

~~4. Clubs, lodges (reference 5.1.02).~~

~~5c.~~ Financial institutions.

~~6. Fire and rescue squad stations (reference 5.1.09).~~

~~7d.~~ Funeral homes.

~~8e.~~ Health spas.

~~9f.~~ Indoor theaters.

~~10g.~~ Laundries, dry cleaners.

~~11h.~~ Laundromat (provided that an attendant shall be on duty at all hours during operation).

~~12i.~~ Libraries, museums.

~~13. Nurseries, day care centers (reference 5.1.06).~~

~~14j.~~ Eating establishments.

~~15k.~~ Tailor, seamstress.

~~16l.~~ Automobile service stations (reference 5.1.20).

~~17. Water, sewer, energy and communications distribution facilities.~~

- ~~18. Public uses (reference 5.1.12).~~
- ~~19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).~~
- ~~20. Dwellings (reference 5.1.21).~~
- ~~21. (Repealed 4-3-13)~~
- ~~22. m Automobile, truck repair shop excluding body shop.~~
- ~~23. Temporary industrialized buildings (reference 5.8).~~
- ~~24. n Indoor athletic facilities.~~
- ~~25. (Repealed 5-5-10)~~
- ~~26. Stormwater management facilities shown on an approved final site plan or subdivision plat.~~
- ~~27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).~~
- o. Uses listed in section 22.2.1(A)(1) and 22.2.1(A)(2) a – m.

*Removed Veterinary office and hospital and Animal Shelter from 22.2.1(A) By Right Uses for parcels served by public water or approved central water supply system.*

### **22.2.2 BY SPECIAL USE PERMIT**

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

A. If the use is served by public water or a central water supply system:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)
11. ~~Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day.~~ Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
12. Body shop.

13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation

B. If the use is not served by public water or a central water supply system:

The following retail sales and service establishments:

1. Antique, gift, jewelry, notion and craft shops.
2. Clothing, apparel and shoe shops.
3. Department store.
4. Drug store, pharmacy.
5. Florist.
6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
7. Furniture and home appliances (sales and service).
8. Hardware store.
9. Musical instruments.
10. Newsstands, magazines, pipe and tobacco shops.
11. Optical goods.
12. Photographic goods.
13. Visual and audio appliances.
14. Sporting goods.
15. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
16. Manufacturing/Processing/Assembly/Fabrication and Recycling of other than agricultural products; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
17. Drive-through windows (reference 5.1.60). (Added 3-2-16)

The following services and public establishments:

18. Administrative, professional offices.

19. Barber, beauty shops.

20. Financial institutions.

21. Funeral homes.

22. Health spas.

23. Indoor theaters.

24. Laundries, dry cleaners.

25. Laundromat (provided that an attendant shall be on duty at all hours during operation).

26. Libraries and museums.

27. Eating establishments.

28. Tailor, seamstress.

29. Automobile service stations (reference 5.1.20).

30. Automobile, truck repair shops, and body shops.

31. Indoor athletic facilities.

The following additional uses:

32. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.

33. Energy and communications transmission facilities.

34. Hospitals.

35. Hotels, motels, and inns.

36. Tier III personal wireless service facilities.

37. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.

38. Stand alone parking and parking structures (reference 4.12, 5.1.41).

39. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R15, in compliance with regulations set forth therein.

40. Storage/Warehousing/Distribution/Transportation

41. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day, provided the use was approved by special use permit prior to June 13, 2018. All conditions of the special use permit approved prior to June 13, 2018 remain effective. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

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**23.2.1 BY RIGHT**

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

A. If the use is not served by public water or an approved central system:

1. Religious assembly use. (Amended 8-9-17)

2. Clubs, lodges (reference 5.1.02).

3. Fire and rescue squad stations (reference 5.1.09).

4. Nurseries, day care centers (reference 5.1.06). Day care, child care or nursery facility (reference 5.1.6)

*Updated term for consistency with ordinance use.*

5. Water, sewer, energy and communications distribution facilities.

6. Public uses (reference 5.1.12).

7. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

8. Dwellings (reference 5.1.21).

9. Temporary industrialized buildings (reference 5.8).

10. Stormwater management facilities shown on an approved final site plan or subdivision plat.

11. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

12. Farmers' Markets (reference 5.1.47).

13. Schools of special instruction.

14. Fire and rescue squad stations (reference 5.1.09).

*Inadvertently omitted.*

B. If the use is served by public water or an approved central water supply system:

1. Administrative and business offices.
2. Professional offices, including medical, dental and optical.
3. Financial institutions.
4. Religious assembly use. (Amended 8-9-17)
5. Libraries, museums.
6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than twenty (20) percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
  - Eating establishments;
  - Newsstands;
  - Establishments for the sale of office supplies and service of office equipment;
  - Data processing services;
  - Central reproduction and mailing services and the like;
  - Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;
  - (Repealed 3-17-82)
  - Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;
  - Barber shops;
  - Beauty shops.
7. Water, sewer, energy and communications distribution facilities.
8. Public uses (reference 5.1.12).
9. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21).
11. ~~Temporary nonresidential mobile homes~~ Temporary industrialized buildings (reference 5.8).

*Updated term for consistency with ordinance use.*

12. Day care, child care or nursery facility (reference 5.1.6).



13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
15. Farmers' markets (reference 5.1.47).
16. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
17. Drive-through windows (reference 5.1.60). (Added 3-2-16)
18. Fire and rescue squad stations (reference 5.1.09).

*Inadvertently omitted.*

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### **23.2.2 BY SPECIAL USE PERMIT**

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

A. If the use is served by public water or an approved central water supply system:

1. Hospitals.
2. Funeral homes.
3. Energy and communications transmission facilities.
4. Stand alone parking and parking structures (reference 4.12, 5.1.41).
5. (Repealed 3-2-16)
6. School of special instruction.
7. Clubs, lodges (reference 5.1.2).
- ~~8. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.~~
- ~~98.~~ Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15 in compliance with regulations set forth therein.
- ~~409.~~ Hotels, motels and inns (reference 9.0).

~~1410.~~ Supporting commercial uses (reference 9.0).

~~12. (Repealed 8-9-17)~~

~~13. (Repealed 8-9-17)~~

~~1411.~~ Indoor athletic facilities.

~~1512.~~ Tier III personal wireless service facilities (reference 5.1.40).

~~1613.~~ Storage/Warehousing/Distribution/Transportation.

~~1714.~~ Manufacturing/Processing/Assembly/Fabrication/Recycling.

15. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

B. If the use is not served by public water or an approved central water supply system:

1. Administrative and business offices.

2. Professional offices, including medical, dental and optical.

3. Financial institutions.

4. Libraries, museums.

5. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than twenty (20) percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:

-Eating establishments;

-Newsstands;

-Establishments for the sale of office supplies and service of office equipment;

-Data processing services;

-Central reproduction and mailing services and the like;

-Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;

-(Repealed 3-17-82)

-Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;

-Barber shops;

-Beauty shops.

6. Drive-through windows (reference 5.1.60). (Added 3-2-16)

7. Hospitals.

8. Funeral homes.

9. Energy and communications transmission facilities.

10. Stand alone parking and parking structures (reference 4.12, 5.1.41).

11. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day, provided the use was approved prior to June 13, 2018. All conditions of the special use permit approved prior to June 13, 2018 remain effective. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

12. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15, in compliance with regulations set forth therein.

13. Hotels, motels and inns (reference 9.0).

14. Supporting commercial uses (reference 9.0).

15. Indoor athletic facilities.

16. Tier III personal wireless service facilities (reference 5.1.40).

17. Storage/Warehousing/Distribution/Transportation.

18. Manufacturing/Processing/Assembly/Fabrication/Recycling.

19. Laboratories/Research and Development/Experimental Testing, provided the gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

#### **24.2.1 BY RIGHT**

The following uses shall be permitted in any HC 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.

A. If the use is not served by public water or an approved central water supply system:

1. Religious assembly uses, cemeteries.
2. Clubs, lodges (reference 5.1.02).
3. Educational, technical and trade schools.
4. Feed and seed stores (reference 5.1.22).
5. Fire and rescue squad stations (reference 5.1.09).
6. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
7. Light warehousing.
8. Retail nurseries and greenhouses.
9. Farm stands.
10. Wholesale distribution of agricultural products.
11. Water, sewer, energy and communications distribution facilities.
12. Public uses (reference 5.1.12).
13. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
14. Farmers' market (reference 5.1.47).
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
17. Storage yards.
18. Manufacturing/Processing/Assembly/Fabrication and Recycling of agricultural products; provided that the gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
19. Storage/Warehousing/Distribution/Transportation of agricultural products; provided that the floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
20. Livestock sales.
21. Veterinary office and hospital (reference 5.1.11).
22. Commercial kennels - indoor only (reference 5.1.11).

23. Animal shelter (reference 5.1.11).

B. If the use is served by public water or an approved central water supply system:

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. ~~Churches~~ Religious assembly uses, cemeteries.

*Updated term for consistency with ordinance use.*

6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.
8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.

22. Machinery and equipment sales, service and rental.

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

*Removed for term consistency.*

24. ~~Modular~~ Industrialized building sales.

*Updated term for consistency with ordinance use.*

25. Motor vehicle sales, service and rental.

26. New automotive parts sales.

27. Newspaper publishing.

28. Administrative, business and professional offices.

29. Office and business machines sales and service.

30. Eating establishment; fast food restaurants.

31. Retail nurseries and greenhouses.

32. Sale of major recreational equipment and vehicles.

33. Farm Wayside stands ~~—vegetables and agricultural produce~~ (reference 5.1.19).

*Updated term for consistency with ordinance use.*

34. Wholesale distribution.

35. Water, sewer, energy and communications distribution facilities.

36. Public uses (reference 5.1.12).

37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

38. Indoor theaters.

39. Heating oil sales and distribution (reference 5.1.20).

40. Temporary industrialized buildings (reference 5.8).

41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.

42. Indoor athletic facilities.

43. Farmers' market (reference 5.1.47).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16)

(§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 18-18(1), 1-10-18)

## **24.2.2 BY SPECIAL USE PERMIT**

The following uses shall be permitted by special use permit in the HC district:

### A. If the use is served by public water or an approved central water supply system:

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, skilled nursing facilities, and assisted living facilities (reference 5.1.13).
8. Auction houses.

9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.

10. Commercial kennels - indoor only (reference 5.1.11).

11. Stand alone parking and parking structures (reference 4.12, 5.1.41).

12. (Repealed 3-2-16)

~~13. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.~~

143. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).

154. Animal shelter (reference 5.1.11).

165. Tier III personal wireless service facilities (reference 5.1.40).

176. Body shops.

17. Uses permitted by right, not served by public sewer, involving anticipated discharge of Sewage other than domestic wastes.

B. If the use is not served by public water or an approved central water supply system:

1. Automobile laundries.

2. Automobile, truck repair shops.

3. Automobile service stations (reference 5.1.20).

4. Building materials sales.

5. Convenience stores.

6. Factory outlet sales - clothing and fabric.

7. Financial institutions.

8. Fire extinguisher and security products, sales and service.

9. Funeral homes.

10. Furniture stores.

11. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.

12. Hardware.



- 13. Hotels, motels, and inns.
- 14. Machinery and equipment sales, service and rental.
- 15. Manufactured home sales and service.
- 16. Industrialized building sales.
- 17. Motor vehicle sales, service and rental.
- 18. New automotive parts sales.
- 19. Newspaper publishing.
- 20. Administrative, business and professional offices.
- 21. Office and business machines sales and service.
- 22. Eating establishment; fast food restaurants.
- 23. Sale of major recreational equipment and vehicles.
- 24. Wholesale distribution of other than agricultural products.

*Clarified distinction between wholesale distribution of agricultural products (by right on all parcels) and other than agricultural products (by SP on parcels not served by public water or approved central water system)*

- 25. Indoor theaters.
- 26. Heating oil sales and distribution (reference 5.1.20).
- 27. Temporary industrialized buildings (reference 5.8).
- 28. Indoor athletic facilities.
- 29. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
- 30. Manufacturing/Processing/Assembly/Fabrication and Recycling of other than agricultural products; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
- 31. Storage/Warehousing/Distribution/Transportation of other than agricultural products; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

32. Drive-through windows (reference 5.1.60).
33. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
34. Septic tank sales and related service.
35. Drive-in theaters (reference 5.1.08).
36. Hospitals, skilled nursing facilities, and assisted living facilities (reference 5.1.13).
37. Auction houses.
38. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R- 15, in compliance with regulations set forth therein.
39. Stand alone parking and parking structures (reference 4.12, 5.1.41).
40. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
41. Tier III personal wireless service facilities (reference 5.1.40).
42. Body shops.
43. Energy and communications transmission facilities (reference 5.1.12).
44. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1. Uses permitted by right in C1 (Commercial).

*Updated phrase for consistency with ordinance use.*

45. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day, provided the use was approved by special use permit prior to June 13, 2018. All conditions of the special use permit approved prior to June 13, 2018 remain effective. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

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

(Formerly Application, Repealed 4-3-13)

Uses and structures within the industrial districts are permitted as follows:

- a. *Primary uses and structures.* Primary uses and structures within the industrial districts are permitted by right, by special use permit, and by special exception as provided in the following table, subject to the applicable requirements of this chapter:

| Use   | <u>LI Served by Public Water or Central Water Supply System</u> | <u>LI Not Served by Public Water or Central Water Supply System</u> |
|---|---|---|
| <b>Manufacturing/Processing/Assembly/Fabrication/Recycling*</b>                                 | BR  | <u>SP</u>   |
| <b><u>Processing of Agricultural Products</u></b>   | <u>BR</u>   | <u>BR</u>   |
| Asphalt mixing plants.  | N   | <u>N</u>  |
| Brick manufacturing, distribution.  | SP  | <u>SP</u>   |
| Cement, lime gypsum manufacture or processing.  | N   | <u>N</u>  |
| Chemical, plastics manufacture or processing.   | SP  | <u>SP</u>   |
| Dry cleaning plants (reference 5.1.49).   | SP  | <u>SP</u>   |
| Foundries (reference 5.1.50).   | N   | <u>N</u>  |
| Inorganic fertilizer manufacture or processing.   | N   | <u>N</u>  |
| Materials recovery facilities, privately owned and operated.                                    | SP  | <u>SP</u>   |
| Organic fertilizer manufacture or processing.   | SP  | <u>BR</u>   |
| Petroleum, gasoline, natural gas and manufactured gas bulk storage (reference 5.1.20).          | SP  | <u>SP</u>   |
| Petroleum refining, including by-products (reference 5.1.20).                                   | N   | <u>N</u>  |
| Pulp or paper manufacture or processing.  | N   | <u>N</u>  |
| Recycling processing center.  | SP  | <u>SP</u>   |
| Rendering plants (reference 5.1.53).  | SP  | <u>SP</u>   |
| Sawmills, temporary or permanent; planing mills; wood yards (reference 5.1.15).                 | SP  | <u>BR</u>   |
| <b><u>Storage/Warehousing/Distribution/Transportation*</u></b>                                  | BR  | <u>SP</u>   |
| Airports.   | SP  | <u>SP</u>   |
| <u>Collection and distribution facilities for local agricultural products in the Rural Area</u> | <u>BR</u>   | <u>BR</u>   |
| Heavy equipment and heavy vehicle parking and storage yards.                                    | SP  | <u>SP</u>   |
| Heliports (reference 5.1.01).   | SP  | <u>SP</u>   |

| Use  | <b><u>LI Served by<br/>Public Water<br/>or Central<br/>Water Supply<br/>System</u></b> | <b><u>LI Not Served<br/>by Public Water<br/>or Central<br/>Water Supply<br/>System</u></b> |
|--|--|--|
| Helistops (reference 5.1.01).  | SP   | <u>SP</u>  |
| Junk yards (reference 5.1.10).   | N  | <u>N</u>   |
| Warehouse facilities where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident. | SP   | <u>SP</u>  |
| Wholesale businesses where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident. | SP   | <u>SP</u>  |
| <b>Laboratories/Research and Development/Experimental Testing</b>  | BR   | <u>SP</u>  |
| Independent offices; within structure existing or vested on or before April 3, 2014.   | BR   | <u>SP</u>  |
| Independent offices; within structure not established or not vested until after April 3, 2014.   | SP   | <u>SP</u>  |
| Independent offices; within expanded portion of structure where expansion not established or not vested until after April 3, 2014.   | SP   | <u>SP</u>  |
| Industrial offices.  | BR   | <u>SP</u>  |
| Energy and communications transmission facilities (reference 5.1.12).  | SP   | <u>SP</u>  |
| Fire, ambulance and rescue squad stations (reference 5.1.09).  | BR   | <u>BR</u>  |
| Personal wireless service facilities, Tier I (reference 5.1.40).   | BR   | <u>BR</u>  |
| Personal wireless service facilities, Tier II (reference 5.1.40).  | BR   | <u>BR</u>  |
| Personal wireless service facilities, Tier III (reference 5.1.40).   | SP   | <u>SP</u>  |
| Public uses (reference 5.1.12).  | BR   | <u>BR</u>  |
| Stormwater management facilities shown on an approved final site plan or subdivision plat.   | BR   | <u>BR</u>  |
| Water, sewer, energy, communications distribution facilities (reference 5.1.12).   | BR   | <u>BR</u>  |
| Temporary construction headquarters (reference 5.1.18).  | BR   | <u>BR</u>  |
| Temporary construction storage yards (reference 5.1.18).   | BR   | <u>BR</u>  |
| Temporary events sponsored by local nonprofit organizations (reference 5.1.27).  | SP   | <u>SP</u>  |

| Use   | LI Served by Public Water or Central Water Supply System | LI Not Served by Public Water or Central Water Supply System |
|---|--|--|
| Temporary industrialized buildings (reference 5.8).   | BR   | <u>BR</u>  |
| Uses permitted by right or by special use permit in the Commercial (C-1), Commercial Office (CO) and Highway Commercial (HC) districts (collectively, “general commercial uses” as used in section 26.3) not otherwise expressly authorized by this section either by right or by special use permit; within structure existing or vested on April 3, 2013.   | SP   | <u>SP</u>  |
| Farmers’ markets conducted in a permanent structure established after May 5, 2010 (reference 5.1.47).   | SP   | <u>BR</u>  |
| Farmers’ markets conducted outdoors or within a temporary or a permanent structure existing on May 5, 2010 (reference 5.1.47).  | BR   | <u>BR</u>  |
| Hotels, motels, inns.   | SP   | <u>SP</u>  |
| Outdoor storage, display and/or sales serving or associated with a permitted use, other than a residential, agricultural or forestal use, any portion of which would be visible from a street within the entrance corridor overlay district to which it is contiguous or from any other street within the entrance corridor overlay district which is located within five hundred (500) feet; provided that review shall be limited to determining whether the outdoor storage, display and/or sales is consistent with the applicable design guidelines. | SP   | <u>SP</u>  |
| Subordinate retail sales for any use permitted by right; use does not exceed 25% of the gross floor area of the primary industrial use.   | BR   | <u>SP</u>  |
| Subordinate retail sales for any use permitted by right; use exceeds 25% of the gross floor area of the primary industrial use.   | SE   | <u>SP</u>  |
| Supporting commercial; use does not exceed 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.  | BR   | <u>SP</u>  |
| Supporting commercial; use exceeds 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.  | SE   | <u>SP</u>  |
| Parking structures, as part of an occupied structure (reference 4.12, 5.1.41).  | BR   | <u>BR</u>  |
| Parking structures, stand alone (reference 4.12, 5.1.41).   | SP   | <u>SP</u>  |
| Parking area, stand alone (reference 4.12, 5.1.41).   | SP   | <u>SP</u>  |
| Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.  | SP   | <u>SP</u>  |

| Use   | <u>LI Served by<br/>Public Water<br/>or Central<br/>Water Supply<br/>System</u> | <u>LI Not Served<br/>by Public Water<br/>or Central<br/>Water Supply<br/>System</u> |
|---|---|---|
| <del>Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day.</del> | SP  | <u>N</u>  |
| Dwellings and sleeping quarters, on-site (reference 5.1.21).  | BR  | <u>BR</u>   |
| Fill areas (reference 5.1.28)   | BR  | <u>BR</u>   |
| Waste areas (reference 5.1.28)  | BR  | <u>BR</u>   |

\* Applies to all uses within this use classification, as defined, except for those uses expressly identified in unshaded text below that use classification.

\*\*Heading is for organizational purposes only and is not a use classification.

BR: The use is permitted by right.

SP: The use is permitted by special use permit.

SE: The use is permitted by special exception.

N: The use is not permitted.