

ORDINANCE NO. 19-18()

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, is 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.

Chapter 18. Zoning

.....

Article III. District Regulations

Section 22. Commercial – C-1

.....

Sec. 22.2 Permitted uses.

Sec. 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. 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. Retail nurseries and greenhouses.
 16. Farmers' markets (reference 5.1.47).
 17. 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. 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. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- b. The following services and public establishments:
1. Administrative, professional offices.
 2. Barber, beauty shops.
 3. Religious assembly use, cemeteries. (Amended 8-9-17)
 4. Clubs, lodges (reference 5.1.02).
 5. Financial institutions.
 6. Fire and rescue squad stations (reference 5.1.09).
 7. Funeral homes.
 8. Health spas.
 9. Indoor theaters.
 10. Laundries, dry cleaners.
 11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
 12. Libraries, museums.

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

~~14. Eating establishments.~~

15. Tailor, seamstress.

~~16. Automobile services 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. Automobile, truck repair shop excluding body shop.

23. Temporary industrialized buildings (reference 5.8).

24. 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).

c. If the use is served by either public water or an approved central water supply:

1. Automobile service stations (reference 5.1.20).

2. Convenience stores.

3. Eating establishments.

d. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.

e. Any use listed in subsections 22.2.1(a)-(c) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 22.2.2(11).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

Sec. 22.2.2 By special use permit.

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

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 - R-15, 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. Except as provided in subsection 22.2.2(16), uses permitted by right, that are either:
 - a. ~~Not~~ served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. ~~Not~~ served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
- Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 22.2.2(16), as applicable.
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.
 16. If the use is not served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.

c. Eating establishments.

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; 9-9-92; 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

.....

Section 23. Commercial Office – CO

.....

Sec. 23.2 Permitted uses.

Sec. 23.2.1 By right.

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

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 (reference 5.8).
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. Eating establishments, provided that they: (i) are served by either public water or an approved central water supply; and (ii) comply with the accessory use requirements of subsection 23.2.1(6).
19. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
20. Any use listed in subsections 23.2.1(1)-(18) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 23.2.2(8).

(§ 20-23.2.1, 12-10-80; 3-17-82; 3-5-86; 12-3-86; 11-1-89; 9-9-92; 5-12-93; Ord. 01-18(6), 10-9-01 ; Ord. 04-18(2), 10-13-04; Ord. 09-18(6), 8-5-09; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

Sec. 23.2.2 By special use permit.

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

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. Except as provided in subsection 23.2.2(18), uses permitted by right, that are either:
 - a. ~~Not~~ served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. ~~Not~~ served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 23.2.2(18), as applicable.

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. Hotels, motels and inns (reference 9.0).
11. Supporting commercial uses (reference 9.0).
12. (Repealed 8-9-17)
13. (Repealed 8-9-17)
14. Indoor athletic facilities.
15. Tier III personal wireless service facilities (reference 5.1.40).
16. Storage/Warehousing/Distribution/Transportation.
17. Manufacturing/Processing/Assembly/Fabrication/Recycling.
18. Eating establishments not served by either public water or an approved central water supply, provided that the eating establishment complies with the accessory use requirements of subsection 23.2.1(6).

(§ 20-23.2.2, 12-10-80; 11-7-84; 1-1-87; 6-14-89; 6-19-91; 6-10-92; 9-15-93; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

.....

Section 24. Highway Commercial – HC

.....

Sec. 24.2 Permitted uses.

Sec. 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.

1. Automobile laundries.
2. Automobile, truck repair shops.
3. ~~Automobile service stations (reference 5.1.20)~~
4. Building materials sales.
5. Churches, cemeteries.
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.
24. Modular building sales.
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 establishments; fast food restaurants.~~
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
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)

51. If the use is served by either public water or an approved central water supply:

- a. Automobile service stations (reference 5.1.20).
- b. Convenience stores.
- c. Eating establishments; fast food restaurants.

52. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.

53. Any use listed in subsection 24.2.1(1)-(51)) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 24.2.2(13).

(§ 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)

Sec. 24.2.2 By special use permit.

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

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, nursing homes, convalescent homes (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. Except as provided in subsection 24.2.2(18), uUses permitted by right, that are either:
 - a. ~~u~~Not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. ~~u~~Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 24.2.2(18), as applicable.
14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
15. Animal shelter (reference 5.1.11).
16. Tier III personal wireless service facilities (reference 5.1.40).
17. Body shops.
18. If the use is not served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Eating establishments; fast food restaurants.

(§ 20-24.2.2, 12-10-80; 1-1-83; 11-7-84; 6-14-89; 6-19-91; 9-9-92; § 18-24.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 11-18(2), 1-12-11; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16)

.....

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