

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, PROCEDURE, 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, Procedure, are hereby amended and reordained as follows:

By Renaming:

Sec. 3 Definitions and Rules of Construction

By Repealing:

Sec. 4.15.3 Definitions and Qualifications

Sec. 4.17.3 Definitions

Sec. 4.18.02 Definitions

Sec. 10.3.3.1 Definitions

Sec. 30.2.3 Definitions

Sec. 30.3.5 Definitions

By Amending:

Sec. 3.1 Definitions.

Sec. 4.12.6 Minimum Number of Required Parking Spaces for Scheduled Uses

Sec. 4.15.9 Maximum Sign Number, Area, Height, and Minimum Sign Setback in the RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, and PRD Zoning Districts

Sec. 5.1.06 ~~Day Child Day Care~~ Centers

Sec. 5.1.29 ~~Convent~~, Monastery

Sec. 5.1.42 Historical Centers

Sec. 5.2 Home Occupations in Zoning Districts Other Than The Rural Areas Zoning District

Sec. 5.2A Home Occupations in The Rural Areas Zoning District

Sec. 9.2 Where Permitted

Sec. 10.2.1 By right

Sec. 10.2.2 By special use permit

Sec. 11.3.1 By right

Sec. 11.3.2 By special use permit

Sec. 12.2.1 By right

Sec. 12.2.2 By special use permit

Sec. 13.2.2 By special use permit

Sec. 14.2.2 By special use permit

Sec. 15.2.1 By right

Sec. 15.2.2 By special use permit

Sec. 16.2.1 By right

Sec. 16.2.2 By special use permit

Sec. 17.2.1 By right

Sec. 17.2.2 By special use permit

Sec. 18.2.1 By right

Sec. 18.2.2 By special use permit

Sec. 19.3.1 By right

Sec. 19.3.2 By special use permit

Sec. 20.3.1 By right

Sec. 20.3.2 By special use permit

Sec. 20A.8 Mixture of uses

Sec. 20B.2 Permitted Uses

Sec. 21.7 Minimum Yard Requirements

Sec. 22.2.1 By right
Sec. 22.2.2 By special use permit
Sec. 23.2.1 By right
Sec. 23.2.2 By special use permit
Sec. 24.2.1 By right
Sec. 24.2.2 By special use permit
Sec. 26.5 Minimum Yards
Sec. 30.3.11 Permitted and Prohibited Uses and Structures
Sec. 32.7.9.8 Tree Canopy
Sec. 35.1 Fees

By Adding:

Sec. 3.2 Rules of construction; general.
Sec. 3.3 Rules of construction; district regulations.

Chapter 18. Zoning

Article I. General Provisions

Section 3. Definitions and Rules of Construction

Sec. 3.1 Definitions

The following definitions shall apply in the administration of this chapter:

AIA noise impact area. “AIA noise impact area” means all land within the 65 DNL contour as delineated on the Existing Noise Contours Map (2003).

Airport protection area. “Airport protection area” means the imaginary conical, horizontal, transitional and approach surfaces as delineated and/or described on the Airport Airspace Drawing-Part 77.

“A” weighted sound level. “A” weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network expressed as dB(A) or dBA.

~~*Abattoir.* See Slaughterhouse, custom. (Amended 10-3-01)~~

Access road. “Access road” means, for the purposes of County Code § 18-4.15, a public or private street that is not a through street or provides frontage to fewer than ten parcels.

Accessory Apartment. “Accessory apartment” means a separate, independent dwelling unit contained within the structure of and clearly subordinate to a single-family detached dwelling, as distinguished from a duplex or other two-family dwelling. (Added 8-10-94)

Accessory merchandise. “Accessory merchandise” means Non-agricultural merchandise that is subordinate and customarily incidental to the agricultural products sold at a farm sales use or a farmers’ market such as pottery, baskets, canning jars, pumpkin carving kits, wreath making supplies, floral arranging supplies, garden accessories, hand tools for gardening and handmade crafts. For the purposes of this definition, farm machinery and equipment (except hand tools), building materials, furniture, and other similar items are not subordinate merchandise. (Added 5-5-10)

Accessory Use, Building or Structure. “Accessory use,” “building” or “structure” means a subordinate use, building or structure customarily incidental to and located upon the same lot occupied by the primary use, building, or structure, and located upon land zoned to allow the primary use, building or structure; provided that a subordinate use, building or structure customarily incidental to a primary farm

use, building or structure need not be located upon the same lot occupied by the primary farm use, building, or structure. For the purposes of County Code § 18-1.7(c)(2), any street may serve any use or structure authorized by this chapter, regardless of whether the use or structure is on the same lot or in the same zoning district as the street. (Amended 10-9-02, 5-5-10)

Acoustic calibrator. “Acoustic calibrator” means an instrument which measures the accuracy of a sound level meter.

~~Administrator (Zoning), The:~~ The official charged with the enforcement of the zoning ordinance pursuant to section 15.2-2286(4) of the Code.

Address sign. “Address sign” means a sign containing the address of a structure or a site.

Advertising vehicle. “Advertising vehicle” means a motor vehicle, trailer or semi trailer (collectively, “vehicle”) having a permanent or temporary sign affixed, painted on or placed upon it, including a sign that alters the vehicle’s manufacturer’s profile; provided that a temporary sign affixed to an employee’s private vehicle during his or her working hours is not an advertising vehicle.

Affordable housing. ~~The term~~ “Affordable housing” means safe, decent housing where housing costs do not exceed ~~thirty (30)~~ percent of the gross household income. For purposes of this definition, “housing costs” for homeowners are principal, interest, real estate taxes, and homeowner’s insurance (PITI), and for tenants are tenant-paid rent and tenant-paid utilities with the maximum allowances for utilities being those adopted by the county’s housing office for the Housing and Urban Development housing choice voucher program. For purposes of this chapter, an “affordable unit” is a dwelling unit that meets the definition of affordable housing. ~~(Added 10-3-07)~~

Agricultural activity. “Agricultural activity” means a lawfully permitted activity pertaining to horticulture, viticulture, or gardening including, but not limited to: tilling soil for raising crops; keeping livestock, poultry, or both; operating agricultural industries or businesses, including, but not limited to, orchards, fruit packing plants, dairies, nurseries, farm sales, farm stands and farmers’ markets; or any combination of the foregoing activities.

~~Agricultural Museum.~~ “Agricultural museum” means ~~A~~an establishment operated as a repository or collection of curiosities or objects of agricultural interest or significance for public display. ~~(Added 12-2-87)~~

Agricultural operation. “Agricultural operation” means ~~A~~any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This term includes aquaculture and plant nurseries. ~~(Added 11-12-14)~~

Agricultural operation event. “Agricultural operation event” means ~~A~~an event conducted at, and subordinate to, an agricultural operation for up to three ~~(3)~~ consecutive days comprised of: (i) agritourism-related events such as tastings not conducted in the daily course of agritourism, farm sales, or the sale of agricultural products or food products; farm-to-table dinners; agricultural festivals; and auctions or livestock shows pertaining to livestock, animals, or other agricultural products not grown or raised at that agricultural operation; (ii) events that promote the sale of agricultural or silvicultural products; (iii) events that promote the sale of food products; (iv) events that are usual and customary at Virginia agricultural operations; and (v) fundraisers and charity events. ~~(Added 11-12-14)~~

Agricultural product sign. “Agricultural product sign” means a sign or signs identifying the produce, crops, animals or poultry raised or quartered on the property, or identifying farm sales, a farm stand, a farmers’ market or a farm winery.

Agricultural products. “Agricultural products” means Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. ~~(Added 11-12-14)~~

Agricultural Service Occupation. “Agricultural service occupation” means An occupation in which skill and expertise in some agriculturally related field are applied to the service of others engaged in agriculture; provided that sales of goods shall be limited to those incidental to the performing of a service.

Agriculture. “Agriculture” means An agricultural operation, the keeping of livestock or poultry, or both, regardless of whether the keeping of livestock or poultry qualifies as an agricultural operation. The term includes accessory processing facilities for agricultural products grown or raised solely on the farm on which the agriculture is located, such as fruit packing plants and dairies. The term does not include any processing facilities permitted only by special use permit. ~~(Amended 12-2-87, 5-5-10, 11-12-14)~~

Agritourism. “Agritourism” means Any activity carried out at a farm winery, farm brewery, farm distillery, or an agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. ~~(Added 5-5-10; Amended 11-12-14)~~

~~*Aircraft, Light:* Aircraft not exceeding twenty five thousand (25,000) pounds in gross weight.~~

Alley. “Alley” means A form of vehicular travelway providing access to the rear and/or side lot line of abutting properties which front along public streets or private roads. An alley is privately owned and maintained, is intended to be used primarily by the owners and occupants of the abutting properties and persons and vehicles providing services to those properties, including emergency services vehicles, and is not intended for through traffic. An alley is neither a “private road” nor an “access easement,” as those terms are defined or used in this chapter and Chapter 14. ~~(Added 2-6-02)~~

Alteration. “Alteration” means aAny change in the total floor area, use, adaptability or external appearance of an existing structure.

Alternative onsite sewage system. “Alternative onsite sewage system” means aA treatment works approved by the Virginia Department of Health that is not a conventional onsite sewage system and does not result in a point source discharge. ~~(Added 7-11-12)~~

Ambient sound. “Ambient sound” means the sound derived from all sound associated with a given environment, being usually a composite of sounds from many sources.

Amenity. “Amenity” means aAn indoor or outdoor area of activity designed principally for, and accessible to, persons residing or working within a development. Areas of activity may be either indoors or outdoors, including but not limited to swimming pools and tennis, volleyball and basketball courts. An outdoor area of activity may be a passive or an active area, including but not limited to playgrounds, pedestrian paths through natural areas, courtyards, and paved pedestrian areas for gathering. An indoor area of activity includes, but is not limited to gyms, weight rooms, indoor swimming pools, and indoor basketball courts, and other indoor recreational areas. Amenities may be located in required green space and be included in both required green space and amenity calculations. ~~(Added 3-19-03)~~

Amusement Center. “Amusement center” means aAny establishment, business, or location in which there are more than three (3) amusement games/devices. ~~(Added 1-1-83)~~

Amusement Game/Device. “Amusement device” means a mechanical, electrical, or electronic coin- or token-operated machine or device which may be operated by the public for use as a game, entertainment or amusement, including but not limited to such devices as pinball machines, video games or any game utilizing a video tube to reproduce symbolic figures but excluding machines or devices which provide an electronic reading or weight, photograph, lamination or item of merchandise such as blood pressure machines, photo booths, vending machines and the like. Amusement game machines shall also include such devices as pool tables, billiard tables, carom tables, shuffle bowling, and other such devices and gaming tables whether or not the same shall be coin- or token-operated. ~~(Added 1-1-83)~~

Animal Shelter. “Animal shelter” means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for prevention of cruelty to animals, animal rescue group, or any other such duly incorporated organization devoted to the welfare, protection, and humane treatment of animals. ~~(Added 6-16-99)~~

Animated sign. “Animated sign” means a sign that moves or a sign that changes lighting by any mechanical, electrical or other device.

Antenna array. “Antenna array” means a An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services. ~~(Added 10-13-04)~~

Apartment House. “Apartment house” means a ~~A multiple family dwelling.~~

Application plan. “Application plan” means the graphic depiction of a proposed development containing the information required by County Code §§section 18-8.5.1(e) and, within the neighborhood model district, section 18-20A.4. A plan designated and approved as a general development plan for a neighborhood model district between March 19, 2003 and October 14, 2009 is an application plan for the purposes of this chapter. ~~(Added 3-19-03; Amended 10-14-09)~~

Assisted living facility. “Assisted living facility” means A a residential facility licensed by the Virginia Department of Social Services where a level of service is provided by an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (*i.e.*, abusive, aggressive, disruptive) as documented on the uniform assessment instrument. ~~(Added 2-5-03; Amended 10-11-17)~~

Attached. “Attached” means when pertaining to structures, a physical connection to a structure by a structural element or structural feature. ~~(Added 10-3-01)~~

Auction sign. “Auction sign” means a sign that advertises an auction to be conducted.

Automated teller machine (ATM): The term “automated teller machine (ATM)” means a ~~A machine that acts as a teller for standard banking transactions such as cash withdrawals, deposits, and checking account balances, regardless of where it is located. (Added 2-5-03)~~

Automobile Graveyard: See Junkyard. ~~(Amended 10-3-01)~~

Avoidance area. “Avoidance area” means Aan area having significant resources where the initial siting of personal wireless service facilities could result in adverse impacts as follows: (i) any ridge area where a personal wireless service facility would be skylighted; (ii) a parcel within an agricultural and forestal district; (iii) a parcel within a historic district; (iv) any location in which the proposed personal wireless service facility and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of ~~two hundred~~

(200) feet; or (v) any location within ~~two hundred~~ (200) feet of any state scenic highway or by-way.
(Added 10-13-04; Amended 4-8-15)

Awning. “Awning” means a covering attached to a structure, erected on or over a window or door, and typically supported by a metal frame.

Awning sign. “Awning sign” means a type of projecting sign that is painted or printed on, or attached to, the surface of an awning.

Banner. “Banner” means a temporary sign that is not a pennant, consisting of a piece of fabric or other flexible material, suspended from a fixed structure, rope, wire, string or cable. (Amended 3-16-05)

Base flood. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, and also referred to as the “one hundred year flood.”

Base flood elevation. “Base flood elevation” means the water surface elevation of the base flood in relation to the datum specified on the county’s Flood Insurance Rate Map or the elevation determined pursuant to County Code § 18-30.3.13(C).

Basement. “Basement” means aA story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises. For purposes of County Code § 18-30.3 *et seq.*, the term “basement” means any area of a building having its floor sub-grade on all sides.

Base station. “Base station” means A a structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. (Added 4-8-15)

1. *Services to which the term applies.* The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. *Equipment to which the term applies and does not apply.* The term includes, but is not limited to, radio transceivers, antennas, coaxial, or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks. The term does not include any equipment associated with a tower.
3. *Structures to which the term applies and does not apply.* The term includes any structure, other than a tower, that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under ~~section~~ County Code § 18-5.1.40 or the applicable zoning process in effect prior to October 13, 2004. The term does not include: (i) a tower as defined in this section; and (ii) any structure that, at the time the relevant application is filed with the county under ~~section~~ County Code § 18-5.1.40, does not support or house equipment described in paragraphs (1) and (2) of this definition.

Bed and Breakfast. “Bed and breakfast” means aA use composed of transient lodging provided within a single family dwelling and/or one or more structures that are accessory to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use. (Added 6-6-12)

Billboard. “Billboard” means a freestanding off-site sign that exceeds ~~thirty two (32)~~ square feet in sign area.

Block. “Block” means ~~a~~An area shown on an application plan that is typically surrounded by streets and within which land use activities occur. Although blocks usually imply a grid street system, where steep topography exists blocks may exist in non-rectilinear shapes. (~~Added 3-19-03; Amended 10-14-09~~)

Board of Supervisor. “Board of Supervisors” means ~~t~~The governing body of the County of Albemarle County, Virginia.

Boat livery. “Boat livery” means a commercial service providing boat hauling launching, and/or rental of boats, and other small watercraft, including but not limited to canoes, kayaks, and stand-up paddleboards.

Boarding camp. “Boarding camp” means ~~a~~As for day camp except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

Boarding Hhouse: “Boarding house” means ~~a~~A use composed of a building arranged or used for lodging for thirty (30) consecutive days or longer, with or without meals, for compensation. (~~Amended 6-6-12~~)

Body Sshop. “Body shop” means ~~a~~A facility, other than a private garage, designed or used for the repair, replacement and/or restoration of the body and/or chassis parts of motor vehicles, including collision repairs, in which mechanical repairs are performed only as is incidental and necessary to such body work. (~~Added 12-7-88~~)

Bonus tenant panel. “Bonus tenant panel” means an additional sign permitted for individual tenants in shopping centers or planned developments when added to one freestanding sign for the shopping center or planned development. (~~Added 3-14-12~~)

Borrow Aarea, Bborrow Ppit. “Borrow area,” or “borrow pit” means ~~a~~A location at which soil and other related material is removed from the site for transportation to another site. Removal of soil and other related material as necessary to establish another permitted use upon the same site shall not be considered as the establishment of a borrow area or borrow pit. (~~Added 7-6-83~~)

Building. “Building” means ~~a~~Any structure having a roof supported by columns or walls. (~~Amended 10-3-01~~)

Building Code. ~~The term~~ “bBuilding eCode” means the Virginia Uniform Statewide Building Code. (~~Added 7-1-09~~)

Building height, Height of. “Building height” means ~~t~~The vertical distance measured from the level of the finished grade or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building permit. ~~The term~~ “bBuilding permit” means a permit issued by the building official under the bBuilding eCode that is subject to the fees stated in ~~Albemarle~~ County Code § 5-201. (~~Added 7-1-09~~)

Building, Main: ~~The term~~ “main building” means ~~t~~The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Camp, Boarding: ~~The term~~ “boarding camp” means ~~a~~As for day camp except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

~~Camp, Day:~~ ~~The term “day camp” means a~~ lot, tract or parcel of land operated as either a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement device, or permanent structures for housing of guests.

Bundle sign. “Bundle sign” means a freestanding off-site sign that identifies two or more establishments or sites that are not part of a planned development district and share a common entrance or access road.

Canopy. “Canopy” means a permanent structure, or part thereof, that has a roof with support but no walls, and is intended as shelter.

Canopy sign. “Canopy sign” means a type of wall sign that is attached to the fascia of a canopy.

Carport. “Carport” means ~~a~~Any space outside a main building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure that is more than ~~eighteen~~ (18) inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

Car wash. “Car wash” means ~~a~~An establishment for cleaning motor vehicles where the cleaning is performed using equipment, supplies and water provided by the establishment. The use previously identified in this chapter as “automobile laundry” is a car wash. ~~(Added 10-3-01)~~

Caregiver. “Caregiver” means, for the purposes of temporary family health care structure regulations, an adult who provides care for a mentally or physically impaired person within the Commonwealth who is either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom care is given.

Cellar: ~~(Repealed 10-3-01)~~

Cemetery. “Cemetery” means ~~A~~any land or structure used or intended to be used for the interment of human remains, either by earth-burial, entombment in a mausoleum, inurnment in a columbarium, or a combination thereof. The sprinkling of ashes or their burial in a biodegradable container on religious assembly use grounds, or their placement in a columbarium on religious assembly use property, is not a cemetery. ~~(Amended 3-21-01; 8-9-17)~~

Central Sewerage System: ~~(Repealed 7-11-12)~~

Central Water Supply: ~~(Repealed 7-11-12)~~

Certificate of ~~a~~Appropriateness. “Certificate of Appropriateness” means ~~a~~A decision made by the ~~a~~Architectural ~~r~~Review ~~b~~Board or, on appeal, ~~by~~ the ~~b~~Board of ~~s~~Supervisors, certifying that a proposed structure and/or site improvements or both located within the entrance corridor overlay district, as may be modified by terms and conditions of the certificate, are consistent with the applicable design guidelines. ~~(Added 5-12-10)~~

Certificate of ~~O~~ccupancy. ~~The term~~ “eCertificate of occupancy” means a certificate issued by the ~~b~~Building ~~e~~Official and the ~~z~~Zoning ~~a~~Administrator after final inspections ~~under the building code and this chapter~~ certifying that a building or structure is in compliance with the ~~b~~Building eCode and this chapter. ~~(Added 7-1-09)~~

Child day center. “Child day center” means an establishment operated for the purpose of providing care, protection and guidance to two or more children under the age of thirteen in a facility that is not the residence of the provider or any of the children in care during the absence of a parent or guardian for less

than a 24-hour period. “Child day center”, includes those establishments commonly known as preschools and nursery schools. The term “~~day~~ child day center” does not include: (1) an establishment licensed and regulated as a summer camp pursuant to Virginia Code § 35.1-1 *et seq.*; (2) a school extended day enrichment program; (3) a school, unless such school is operating a ~~day~~ child day center outside of regular classes; and (4) a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. The uses previously identified in this chapter as “day care,” “child care centers,” “nurseries” (for children) and “nursery facilities” are ~~day~~ child day centers.

Children’s residential facility. “Children’s residential facility” means ~~A~~ a publicly or privately operated facility licensed by the Virginia Department of Social Services where 24-hour ~~per day~~ care is provided to children separated from their legal guardians. The use previously defined in this chapter as an “orphanage” is a children’s residential facility. (~~Added 10-11-17~~)

Class A Home occupation. “Class A home occupation” means an occupation, not expressly prohibited by ~~section~~ County Code § 18-5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation.

Class B Home occupation. “Class B home occupation” means an occupation, not expressly prohibited by County Code § 18-5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation.

Club. “Club” means ~~a~~Any nonprofit organization organized and operated to provide facilities for dining, golf, tennis, swimming and/or other similar activities to its private self-perpetuating membership.

Cluster ~~D~~development. “Cluster development” means ~~a~~A type of development design that concentrates lots in specific areas, does not exceed the gross density allowed within the zoning district, and allows the remaining land to be used for common open space. (~~Amended 7-17-85; 10-3-01~~)

Code of development. “Code of development” means ~~t~~The development standards for a neighborhood model district that include, but are not limited to, uses delineated at the block level, densities, maximum building heights, yards or build-to lines, and architectural and landscape treatments. (~~Added 3-19-03~~)

Code, The: (~~Repealed 7-1-09~~)

Collocation. “Collocation” means ~~T~~the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. (~~Added 5-8-13; Amended 4-8-15~~)

Collocation, exempt: A collocation that would not result in a substantial change in the physical dimensions of an eligible support structure. (~~Added 4-8-15~~)

Commercial kennel. “Commercial kennel” means ~~a~~A place designed or prepared to house, board, breed, handle or otherwise keep or care for dogs and/or cats for sale or in return for compensation except as an accessory to a single-family dwelling.

Commercial speech. “Commercial speech” means speech that is an expression related solely to the economic interests of the speaker and its audience, concerns lawful activity, and is not misleading.

Commercial stable. “Commercial stable” means ~~Aa~~ building, group of buildings, or use of land, or any combination thereof, where, for compensation, whether monetary or goods, provision is made for horses or ponies for hire or instruction in riding.

~~Commission, The.~~ “Commission” means ~~t~~The Planning Commission of Albemarle County, Virginia.

~~Common Open Space.~~ “Common open space” means ~~an open tract or parcel of land not devoted to residential uses or structures but directly related and adjunct to a cluster development or planned development, as herein provided, and owned and/or controlled or both by the residents of such development. land within or directly adjunct to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. See also “Open Space”.~~

Community center. “Community center” means ~~a~~A place, structure, area or facility used for cultural, educational and/or recreational activities, which is open to the public and intended to serve the local community. A community center is different from a neighborhood center, which is a use that is typically accessory to a residential development. ~~(Amended 6-8-05)~~

Concealment elements of the eligible support structure. “Concealment elements of the eligible support structure” means ~~Any~~ condition of approval, including any applicable requirement of ~~section~~ County Code § 18-5.1.40 in effect at the time of approval, established and imposed on the personal wireless service facility as a concealment technique and which includes conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, including the requirement that antennas be flush mounted, maximum tower diameters at the base and top, limitations on tower height relative to a reference tree, screening by trees including the restrictions on removing trees that are screening the tower, siting towers so that they are not skylighted, requirements as to how cables should be located on a tower, and the size, location, design, and screening for ground based equipment. ~~(Added 4-8-15)~~

Conditional Letter of Map Revision (CLOMR). “Conditional Letter of Map Revision” (“CLOMR”) means a formal review and comment by the Federal Emergency Management Agency as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to the delineation of special flood hazard areas, but which does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

Condominium. “Condominium” means ~~r~~Real property, and any incidents thereto or interests therein, lawfully submitted to the Condominium Act (Virginia Code § 55-79.39 *et seq.*) by the recordation of condominium instruments pursuant to the provisions of the Condominium Act (Virginia Code §55-79.39 et seq.), and in which the undivided interests in the common elements are vested in the unit owners. ~~(Added 10-3-01)~~

Congregate care facility: A residential facility for persons who are elderly or of impaired functional ability. Such facilities are characterized by a variety of elements that include common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doors designed to accommodate wheelchairs. A congregate care facility must provide on an appropriate, regular basis at least two of the following to qualify for the congregate care parking standard: meal services, transportation, housekeeping or organized social activities. ~~(Added 2-5-03)~~

Connection, Water or Sewer: ~~The term “water connection” or “sewer connection” means t~~The provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

Conservation area. The term “conservation area” means ~~a~~An area identified on a plan submitted for approval which contains cultural assets or natural features such as non-tidal wetlands, floodplain, slopes identified in the open space element of the comprehensive plan, or streams and stream buffers, within

which only limited disturbance or development is allowed. Uses allowed in conservation areas include, but are not limited to, utilities, greenways, pedestrian paths, streets, and stormwater management facilities, where, in the opinion of the County Engineer ~~director of engineering~~, no other location is reasonably available and when these improvements have the least impact possible on the environmental features of the area. (~~Added 3-19-03~~)

Construction sign. “Construction sign” means a sign that identifies a construction project and/or an architect, contractor, subcontractor, material supplier or lending institution participating in the construction project.

Convent. “Convent” means ~~an association or community of recluses devoted to a religious life under a superior; a body of monks, friars, or nuns, constituting one local community~~ a long-term housing facility for bona fide members of a religious order, not intended to serve primarily as a temporary religious retreat. The term “convent” also includes ~~includes also~~ “Monastery.” (~~Added 1-1-87~~)

Conventional onsite sewage system. “Conventional onsite sewage system” means ~~a~~ treatment works approved by the Virginia Department of Health consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield. (~~Added 7-11-12~~)

Copy. “Copy” means the letters, figures, designs, devices, pictures, projected images, symbols, fixtures, colors, logos, emblems, or insignias displayed on a sign face.

Corner lot. “Corner lot” means a lot abutting on two or more streets at their intersection. The front of a corner lot shall be deemed to be the shortest of the sides fronting on streets except where existing development of such lot shall already have defined the front of such lot.

Cornice line. “Cornice line” means the location of a cornice along the top of a wall; or, for a wall that has no cornice, the corresponding horizontal line along the top of a wall where a cornice would traditionally be located. In all cases, the “cornice line” applies to the main walls of a building and does not apply to features that extend above the top of the main walls of a building. (~~Added 3-14-12~~)

Country Store. “Country store” means ~~a~~ store whose primary use is to offer for sale a wide variety of retail merchandise. (~~Amended 11-12-08~~)

Country Store, Class A. “Class A country store” means ~~a~~ country store located in a historic country store building, and which may include accessory uses including those expressly authorized in County Code § 18-5.1.45 ~~section 5.1.45~~. (~~Added 11-12-08~~)

Country Store, Class B. The term “class B country store” means ~~a~~ country store located in a non-historic country store building, and which may include accessory uses including those expressly authorized in County Code § 18-5.1.45 ~~section 5.1.45~~. (~~Added 11-12-08~~)

Country Store Building, Historic: ~~The term “historic country store building” means a building whose primary use at any time on or prior to January 1, 1965 was a country store.~~ (~~Added 11-12-08~~)

Country Store Building, Non-Historic: ~~The term “non-historic country store building” means a building constructed after January 1, 1965 whose primary use at any time after that date was a country store.~~ (~~Added 11-12-08~~)

County-wide Certificate of Appropriateness, county-wide. “County-wide certificate of appropriateness” means ~~a~~ decision made by the ~~Architectural Review Board~~ establishing specific design criteria consistent with applicable design guidelines for a class of structures, sites, improvements, or architectural elements. The decision applies to any structure, site, improvement or architectural element within that class that complies with the specific design criteria. (~~Added 5-12-10~~)

Cover. “Cover” means, ~~a~~As used in County Code § 18-4.12.3 ~~section 4.12.3~~, a form-fitted default-free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view and, in the ~~r~~Rural aAreas (RA) ~~d~~District, can include a tarpaulin or other cover that completely shields the body of an inoperable vehicle from view. ~~(Added 1-1-14)~~

Craft Shop. “Craft shop” means ~~a~~An establishment wherein hand-made goods are offered for sale.

Crematorium. “Crematorium” means a location containing a properly installed, certified apparatus intended for use in the act of cremation.

Critical slopes: See Slopes, critical

Critical slopes. “Critical slopes” means slopes, other than managed or preserved slopes, of 25 percent or greater as determined by reference to either current topographic mapping available from the County or a more accurate field survey certified by a professional surveyor or engineer. Slopes of 25 percent or greater which are lawfully created within a development that was approved by the County shall not be considered critical slopes.

Cul-de-sac: ~~(Repealed 10-3-12, effective 1-1-13)~~

Cultural arts center. “Cultural arts center” means ~~a~~An establishment for the presentation of art, scientific, cultural or historical materials, music, or live theatrical or musical productions, and which may include but are not limited to museums, noncommercial art galleries, arboreta, aquariums, botanical or zoological gardens, auditoriums, and music conservatories. ~~(Added 6-11-08)~~

Dairy. “Dairy” means ~~a~~A commercial establishment for the manufacture and sale of dairy products.

Dam break inundation zone. ~~The term “d~~Dam break inundation zone” means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam that has been mapped as provided in Virginia Code § 10.1-606.2. ~~(Added 1-1-14)~~

Data center. “Data center” means ~~a~~A facility used to house computer systems and associated components, such as telecommunications and storage systems and which may include redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices. ~~(Added 4-3-13)~~

Data processing facility. “Data processing facility” means ~~f~~Facilities where electronic data is processed by employees including, but not limited to, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation. ~~(Added 4-3-13)~~

Day camp. “Day camp” means ~~a~~A lot, tract or parcel of land operated as ~~either~~ a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement devices, or permanent structures for housing of guests.

Day Care, Child Care or Nursery Facility: See Day care center. (Amended 10-3-01)

Day care center: ~~The term “day care center” means a~~An establishment operated for the purpose of providing care, protection and guidance to a group of six (6) or more children under the age of thirteen (13) during the absence of a parent or guardian during a part of a day, and includes those establishments commonly known as preschools and nursery schools. ~~The term “day care center” does not include: (1) an establishment licensed and regulated as a summer camp pursuant to Virginia Code § 35.1-1 et seq.; (2) a~~

school extended day enrichment program; (3) a school, unless such school is operating a day care center outside of regular classes; and (4) a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. The uses identified in this chapter as “child care,” “day care,” “nurseries” (for children) and “nursery facilities” are day care centers. (Added 10-3-01)

Daytime. “Daytime” means, for the purposes of noise regulation, that period of a day beginning at 7:00 a.m. and ending at 10:00 p.m., each day of the week.

Decibel. “Decibel” means a unit for measuring the volume of a sound equal to twenty times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

Detached. “Detached” means, wWhen pertaining to structures, the absence of a physical connection to a structure by a structural element or structural feature. (Added 10-3-01)

Development. “Development,” as used in regulations pertaining to dam break inundation zones, means one or more lots developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more dwelling units, but does not include any lot or lots that will be principally devoted to agricultural production. For purposes of floodplain management, “development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (Added 1-1-14)

Development lot. “Development lot” means aA lot within a rural preservation development, other than a rural preservation tract, created for the purpose of residential or other permitted usage.

Devoted to the bona fide production of crops, animals, or fowl. “Devoted to the bona fide production of crops, animals, or fowl” means, AAs used in the definition of “agricultural operation,” any lot on which the production of one or more agricultural products is a primary use (“agricultural production”) and the agricultural production is engaged in good faith and not merely to enable the lot to be eligible to host events and activities at an agricultural operation as provided in sections County Code §§ 18-5.1.58, 18-10.2.1(30), 18-10.2.2(56), 18-11.3.1(29), and 18-11.3.2(10). In determining whether the agricultural production is a primary use and engaged in good faith, the following factors may be considered: (i) whether the lot is subject to use value assessment because it is real estate devoted agriculture, horticulture, or silviculture; (ii) the acreage in agricultural production; (iii) the proportion of the lot’s acreage in agricultural production; (iv) the crops, animals, or fowl being produced; (v) the acreage of the lot and of the site; (vi) the owner’s federal tax forms including Form 1040F (Farm Expense and Income), Form 4385 (Farm Rental Income and Expenses), Form 1040E (Cash Rent for Agricultural Land), Form 1040C (Business Profit and Loss), or Form 1120 (Corporate Partnership); (vii) receipts showing gross sales over the most recent three-year period or evidence of the value of agricultural products that would have been sold but for a natural disaster; (viii) the proportion of the owner’s total income derived from agricultural production on the site; (ix) evidence of participation in a federal farm subsidy program; (x) evidence of operating under a conservation farm management plan prepared by a professional; (xi) the proportion of capital investment in the site devoted to the production of agricultural products, operating, and labor expenses; (xii) Albemarle County-level United States Department of Agriculture Census of Agriculture data; and (xiii) any other relevant factors. (Added 11-12-14)

Digital source file. “Digital source file” means tThe media type and format to which an analog or digital source material is encoded, and the file is used to produce a digital derivative. (Added 12-5-12, effective 4-1-13)

Directional sign. “Directional sign” means a freestanding off-site sign that directs vehicular or pedestrian traffic, or both, to an establishment and displays the establishment name, distance, an arrow providing direction, or any combination of the foregoing. ~~(Added 6-4-14)~~

District. ~~Districts as referred to in section 15.2-2280 of the Code~~ “District” means, unless the context clearly indicates otherwise, a zoning district as referred to in Virginia Code § 15.2-2280.

District, base: The term “base district” means the zoning districts established in sections 10 through 29 of this chapter.

District, overlay: The term “overlay district” means the zoning districts established in section 30 of this chapter.

Dormitory: ~~(Repealed 10-3-01)~~

Drilling, Exploratory: ~~The term “exploratory drilling” means t~~The process of excavation, drilling, boring, or core boring of wells or other holes in the earth, by any process whatever, for purposes of determining the presence of coal, petroleum, natural gas, sand, gravel, ore, or other minerals, other than water, and not including the extraction of any soil, rock or other material except for purposes of analysis. The term exploratory drilling shall be deemed to include all activities appurtenant or accessory thereto, including, without limitation, the construction of access roads and disposition of drilling spoil; but it shall not be deemed to include drilling of holes not more than one hundred twenty-five (125) feet in depth, designed solely to determine the geologic suitability of a site for the construction of structures. ~~(Added 2-10-82)~~

Drive-in-Theater. “Drive-in theater” means a theater so laid out that patrons can be accommodated while remaining in their automobiles.

Drive-through Window. “Drive-through window” means ~~a~~An accessory facility designed to provide access to commercial products and/or services for customers remaining in their motor vehicle, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space. ~~(Added 11-7-84, Amended 4-3-13)~~

Driveway. “Driveway” means ~~a~~A form of vehicular access from a public street, private road or alley to the interior of a lot or parcel of land. ~~(Added 2-6-02)~~

Duplex. “Duplex” means ~~a~~A two-family dwelling or a series of attached single family dwellings containing two (2) dwelling units.

Dwelling, Multiple Family: ~~The term “multiple family dwelling” means a~~ structure arranged or designed to be occupied by more than two (2) families, the structure having more than two (2) dwelling units.

Dwelling, Single Family: ~~The term “single family dwelling” means a~~ building containing one (1) dwelling unit.

Dwelling, Two Family: ~~The term “two family dwelling” means a~~ structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Dwelling Unit. “Dwelling unit” means ~~a~~A single unit providing complete, independent living facilities for one ~~(1)~~ or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. “Easement” means ~~a~~A right to use the land of another in a particular manner and for a particular purpose. ~~(Added 7-20-88; Amended 10-3-01)~~

Eating Establishment. ~~See Restaurant. (Amended 10-3-01)~~

Eave. “Eave” means the lower portion of a roof that overhangs the wall.

Electric message sign. “Electric message sign” means a sign on which the copy can be changed or altered by electric, electro-mechanical or electronic means.

Elevated building. “Elevated building” means a building without a basement built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Eligible support structure. “Eligible support structure” means any tower or base station, provided that it is existing at the time the relevant application is filed with the County. (Added 4-8-15)

Emergency operation. “Emergency operation” means any emergency service provided by any police, sheriff, fire or fire and rescue department, any ambulance service or any other emergency service requiring a prompt response, and any emergency repair of public facilities or public utilities.

Encroachment. “Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Energy and communications transmission facilities. “Energy and communications transmission facilities” means electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers, micro-wave and radio-wave transmission and relay towers, substations and appurtenances; but excluding personal wireless service facilities. (Added 4-3-13)

Equivalent sound level (Leq). “Equivalent sound level” means the average sound level accumulated over a given period of time. The equivalent sound level is the A-weighted sound level corresponding to a steady state sound level containing the same total sound energy as the time varying signal over a given period of time, determined using a sound level meter as set forth in the American National Standards for Sound Level Meters.

Erect. “Erect” means, in the appropriate context, to affix, construct, hang, install, locate, paint, place or print.

Establishment. “Establishment” means a public or private institution or a place of business. For purposes of this definition, the number of franchises held by an automobile dealership shall not be relevant to the determination as to what is an establishment. (Added 4-3-13)

Exempt collocation. “Exempt collocation” means a collocation that would not result in a substantial change in the physical dimensions of an eligible support structure.

Exempt replacement. “Exempt replacement” means a replacement that would not result in a substantial change in the physical dimensions of the eligible support structure.

Existing building. “Existing building” means, as used in County Code § 18-5.1.40 and any definitions pertaining to personal wireless service facilities, a building that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area, and other structure requirements of the district in which the building is located. (Added 5-8-13)

Existing manufactured home park or subdivision. For floodplain management purposes, the term “existing manufactured home park or subdivision” means any manufactured home park or subdivision

lawfully approved and recorded before the effective date of the Flood Insurance Rate Map or before January 1, 1975 for Flood Insurance Rate Maps effective before that date.

Existing structure. “Existing structure” means, as used in section County Code § 18-5.1.40 and any definitions pertaining to personal wireless service facilities, a structure, other than a flagpole or an existing personal wireless service facility that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area or other structure requirements of the district in which the structure is located. For floodplain management purposes, the term “existing structure” means any structure for which the “start of construction” commenced before the effective date of the Flood Insurance Rate Map or before January 1, 1975 for Flood Insurance Rate Maps effective before that date. (Added 5-8-13)

Existing tower or existing base station. “Existing tower or existing base station” means as referred to in the definition of “eligible support structure,” a constructed tower or base station that has been reviewed and approved under the applicable zoning process, provided that a tower that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, is existing for purposes of this definition. (Added 4-8-15)

Exploratory drilling. “Exploratory drilling” means the process of excavation, drilling, boring, or core boring of wells or other holes in the earth, by any process, for purposes of determining the presence of coal, petroleum, natural gas, sand, gravel, ore, or other minerals, other than water, and not including the extraction of any soil, rock or other material except for purposes of analysis. The term exploratory drilling shall be deemed to include all activities appurtenant or accessory thereto, including, without limitation, the construction of access roads and disposition of drilling spoil; but it shall not be deemed to include drilling of holes not more than 125 feet in depth, designed solely to determine the geologic suitability of a site for the construction of structures.

Facility vehicle. “Facility vehicle” means a van, pickup truck, car or other passenger vehicle licensed for street use, intended for daily business use by a contractor in the operation of a contracting business, and stored at the contractor’s yard overnight. Loaders, backhoes, bulldozers, dump trucks and similar construction equipment are not facility vehicles. (Added 2-5-03)

Fake mansard roof. “Fake mansard roof” means a roof constructed in the fashion of a mansard roof, any portion of which extends below the intersection of the wall face and roof decking.

Fall zone. “Fall zone” means a zone on the surface of the ground that is a circle whose center is the proposed or standing personal wireless service facility or small wind turbine (the “facility or turbine”), where the radius is measured from the outer surface of the facility’s or turbine’s pole or other vertical structure immediately above its foundation, and where the radius is: (i) for facilities, equal to the height of the facility; and (ii) for turbines, equal to the height of the turbine plus a distance of twenty (20) feet. (Added 12-10-09)

Family. The term “family” means 1. An individual; or 2. Two (2) or more persons related by blood, marriage, adoption, or guardianship, and/or not more than two (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit; or: 3. For the purposes of this ordinance the following shall not apply to the R-1, R-2 and R-4 residential districts: a group of not more than six (6) persons not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a dwelling or dwelling unit.

Family day home. “Family day home” means a child day program offered in the dwelling unit of the provider or the dwelling unit that is the home of any of the children in care for one (1) through twelve or fewer (12) children under the age of thirteen (13), exclusive of the provider’s own children and any children who reside in the home, when at least one child receives care for compensation. For the purposes of this definition, a child day program is a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person has agreed to assume responsibility for the

supervision, protection, and well-being of a child under the age of ~~thirteen (13)~~ for less than a ~~twenty-four (24)~~ hour period. (~~Added 10-3-01; Amended 9-11-13~~)

Farm. ~~The term “fFarm”~~ means one or more parcels of land, whether such parcels are abutting or not, operated under the same management and whose primary use is agriculture. (~~Added 12-13-06~~)

Farm brewery. “Farm brewery” means ~~Aan~~ establishment located on one or more lots in ~~the Albemarle~~ County licensed as a limited brewery under Virginia Code § 4.1-208. (~~Added 11-12-14~~)

Farm brewery event. “Farm brewery event” means ~~Aan~~ event that is not a wedding, a wedding reception, or “other events” as that term is defined in ~~section County Code § 18-5.1.57(c)(5)~~, conducted at a farm brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which may be, but is not limited to, beer festivals; receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brewmasters’ dinners where beer is paired with food; agritourism promotions; and fundraisers and charity events. (~~Added 11-12-14; Amended 1-18-17~~)

Farm distillery. ~~Farm distillery means Aan~~ establishment located on one or more lots in ~~the Albemarle~~ County to which a limited distiller’s license is issued under Virginia Code § 4.1-206. (~~Added 12-9-15~~)

Farm distillery event. “Farm distillery event” means ~~Aan~~ event that is not a wedding, a wedding reception, or “other events” as that term is defined in ~~section County Code § 18-5.1.59(c)(5)~~, conducted at a farm distillery on one or more days, where the purpose is agritourism or to promote the sale of distilled spirits, and which may be, but is not limited to, distilled spirits festivals; receptions where distilled spirits are sold or served; distilled spirits club meetings and activities; distilled spirits tasting educational seminars; distilled spirits tasting luncheons, business meetings, and corporate luncheons with a focus on selling distilled spirits; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; distillers’ dinners where distilled spirits are paired with food; agritourism promotions; and fundraisers and charity events. (~~Added 12-9-15; Amended 1-18-17~~)

Farm Sales. “Farm sales” means ~~tThe~~ sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located. (~~Added 10-11-95; Amended 5-5-10~~)

Farm Stand. ~~The term “fFarm stand” means tThe~~ sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in ~~Albemarle the~~ County, but not on the lot on which the farm stand is located. (~~Added 5-5-10~~)

Farm tour. “Farm tour” means ~~Aan~~ event organized by two or more agricultural operations or by a third party, to which the public is invited to visit two or more agricultural operations, and which may include educational programs, workshops, or demonstrations related to agriculture or silviculture. (~~Added 11-12-14~~)

Farm winery. “Farm winery” means ~~aAn~~ establishment located on one or more lots in Albemarle County licensed as a farm winery under Virginia Code § 4.1-207. (~~Added 12-16-81; Amended 5-5-10~~)

Farm winery event. “Farm winery event” means ~~aAn~~ event conducted at a farm winery on one or more days where the purpose is agritourism or to promote wine sales including, but not limited to, gatherings not otherwise expressly authorized as a use under ~~section County Code § 18-5.1.25(a), (b)(1) and (b)(3)~~

through (b)(10) including, but not limited to wine fairs, receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons, business meetings, and corporate luncheons with a focus on selling wines; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers' dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events. (~~Added 5-5-10~~)

Farm worker housing, Class A. ~~The term "Class A farm worker housing, Class A"~~ means: (i) structures located on a farm that are designed and arranged to be occupied exclusively by up to ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or up to ten (10) persons including the farm workers and their immediate families; (ii) the number of such structures designed and arranged for sleeping does not exceed two (2); and (iii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets). (~~Added 12-13-06~~)

Farm worker housing, Class B. ~~The term "Class B farm worker housing, Class B"~~ means: (i) either structures located on a farm that are designed and arranged to be occupied exclusively by more than ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or more than ten (10) persons including the farm workers and their immediate families, or the number of such structures designed and arranged for sleeping is three (3) or more, regardless of the number of farm workers or their family members who could sleep in such structures; and (ii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets). (~~Added 12-13-06~~)

Farmers' Market. "Farmers' market" means the sale of agricultural products, value-added products, and accessory merchandise either outdoors or within a temporary or permanent structure by two (2) or more vendors in the rural areas (RA) zoning district or by one or more vendors in any other zoning district where the use is allowed, where each vendor selling the products and merchandise is engaged in production agriculture in Albemarle the County regardless of whether it is on or not on the lot on which the farmers' market is located. (~~Added 10-11-95; Amended 5-5-10~~)

Fascia. "Fascia" means one or more of the vertical faces of the roof of a canopy or structure.

~~*Fast Food Restaurant.* See Restaurant.~~ (~~Amended 10-3-01~~)

Fill area or waste area. "Fill area" or "waste area" means a location at which soil or inert materials is placed on a site other than the site where the material was excavated or removed. The placement of soil or inert materials as necessary to establish a permitted use on the parcel or development from which it was excavated shall not be considered a fill area or a waste area. (~~Added 7-3-02~~)

Flag. "Flag" means a sign consisting of a piece of fabric or other flexible material attached to a flag pole, except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of County Code § 18-4.15 (for federal law pertaining to flying the flag of the United States of America, see 4 U.S.C. § 5 et seq.). A "commercial flag" is a flag that contains commercial speech. A "noncommercial flag" is a flag that contains no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words or logos related to a specific business, product or service, and does not represent the official symbol of a national, state or local government.

Flashing sign. "Flashing sign" means an illuminated sign of which all or part of the illumination is flashing or intermittent, or changing in degrees of intensity, brightness or color.

Flood or flooding. "Flood" or "flooding" mean either (i) a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, the unusual and rapid

accumulation or runoff of surface waters from any source; or mudflows which are proximately caused by flooding from unusual and rapid accumulation or runoff of surface waters from any source, and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or (ii) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding from the overflow of inland waters.

Flood Insurance Rate Map (FIRM). “Flood Insurance Rate Map” (“FIRM”) means a map of the County on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable within the county.

Flood Insurance Study (FIS). “Flood Insurance Study” (“FIS”) means a report by the Federal Emergency Management Agency that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain. “Floodplain” means any land area susceptible to being inundated by water from any source.

Flood proofing. “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain impact plan. “Floodplain impact plan” means a plan prepared by a professional engineer or other professional of demonstrated qualifications, and submitted to the floodplain administrator in sufficient detail as provided in the Design Standards Manual to allow him to conduct a complete review of the impacts to the floodplain that may be caused by an encroachment, wherein the plan is composed of hydrologic and hydraulic analyses performed in accordance with standard engineering practices and demonstrating that a proposed encroachment will not result in an increase in water surface elevation or a change in boundaries of the base flood above that allowed in the particular zone within the county during the occurrence of the base flood discharge, and studies, analyses, computations, and the plan preparer’s certification that the technical methods used correctly reflect currently-accepted technical concepts.

Floodway fringe. “Floodway fringe” means the portion of the floodplain subject to a one percent or greater chance of flooding in any given year that lies between the regulatory floodway and the outer limits of the special flood hazard area depicted on the Flood Insurance Rate Map.

~~*Floor Area, Gross:* The term “gross floor area” means t~~The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural head room of six (6) feet, six (6) inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural head room of six (6) feet, six (6) inches or more; interior balconies; and mezzanines. The gross floor area of structures devoted to bulk storage of materials, including, but not limited to grain elevators and petroleum storage tanks, shall be computed by counting each ten (10) feet of height or fraction thereof, as being equal to one (1) floor.

The term "gross floor area" shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and roof top mechanical structures are excluded from gross floor area.

~~*Floor Area, Net:* The term “net floor area” means t~~The sum of the total horizontal areas of the several floors of all buildings on a lot measured from the interior faces of exterior walls and from the centerline

of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, roof top mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators and areas under a sloping ceiling where the head room in fifty (50) percent of such area is less than six (6) feet, six (6) inches.

~~Floor Area~~, Ratio. "Floor area ratio" is ~~d~~Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Freeboard. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management, for the primary purpose of compensating for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed, all of which, in turn, may allow flood insurance premiums to be reduced below that which they might otherwise be.

Freeboard elevation. "Freeboard elevation" means the base flood elevation plus one foot.

Freestanding sign. "Freestanding sign" means a sign that is supported from the ground and not attached to a structure. See Figure III following County Code § 18-4.12.13.

Front Yard. "Front yard" means an open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

Frontage. "Frontage" means ~~t~~The continuous uninterrupted distance along which a parcel abuts a single adjacent road or street. (Amended 7-20-88)

Full cutoff luminaire. "Full cutoff luminaire" means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.

~~Garage, Private~~: The term "private garage" means an ~~a~~Accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

~~Garage, Public~~: The term "public garage" means ~~a~~A building or portion thereof, other than a private garage, designed or used for servicing or repairing motor driven vehicles. (Amended 11-1-89)

~~General development plan~~: (Repealed 10-14-09)

~~Golf Courses~~. "Golf courses" means ~~a~~Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

~~Golf Driving Range~~. "Golf driving range" means ~~a~~A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

~~Governing Body~~. The term "governing body" means ~~t~~The Board of Supervisors of Albemarle County, Virginia.

Governmental speech. "Governmental speech" means speech that is a message of the government.

~~Graveyard~~: See Cemetery.

Green space. “Green space” means a~~An~~ area of land covered in grass or other vegetation or a water feature required by this chapter. Uses in green space may include, but are not limited to, stormwater areas, wooded slopes, graded and revegetated slopes of ~~twenty-five percent (25%) to fifty percent (50%),~~ required yards on both residential and non-residential lots, landscaped areas, landscaped islands in parking lots, and other land covered in vegetation. Where areas for amenities are vegetated, such as in parks and playgrounds, amenities shall be included in required green space calculations. ~~(Added 3-19-03)~~

Gross floor area. “Gross floor area” means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term “gross floor area” includes basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural head room of six feet, six inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural head room of six feet, six inches or more; interior balconies; and mezzanines. The gross floor area of structures devoted to bulk storage of materials, including, but not limited to grain elevators and petroleum storage tanks, shall be computed by counting each ten feet of height or fraction thereof, as being equal to one floor.

The term “gross floor area” does not include cellars or outside balconies which do not exceed a projection of six feet beyond the exterior walls of the building. Parking structures below or above grade and roof top mechanical structures are excluded from gross floor area.

Gross residential area. “Gross residential area” means the total area of land and water within a residential development.

Gross residential density. “Gross residential density” means the total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.

Group home. “Group home” means, for the purposes of this chapter, A~~a~~ residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside with one or more resident or nonresident staff persons and which is licensed by the Virginia Department of Behavioral Health and Developmental Services or other licensing authority. For purposes of this definition “mental illness or developmental disability” shall not include current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401, but shall include aged or infirm persons. ~~(Amended 10-3-01, 8-9-17)~~

Guest Room. “Guest room” means a~~A~~ room which is intended, arranged or designed to be occupied, or which is occupied by one ~~(4)~~ or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

Habitable space. “Habitable space” means an enclosed area having more than 20 linear feet of finished walls composed of, but not limited to, drywall, paneling, masonry, lath and plaster, or used for any purpose other than solely for parking of vehicles, building access, or storage.

Half story. “Half story” means a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Heavy equipment. The term “heavy equipment” means a~~E~~quipment that requires an oversize/overweight permit from the Virginia Department of Motor Vehicles to be transported over public highways. ~~(Added 11-12-08)~~

Heavy equipment and heavy vehicle parking and storage yard. “Heavy equipment and heavy vehicle parking and storage yard” means a~~An~~ area used for parking, storing ~~and/or~~ maintaining heavy equipment and heavy vehicles used off-site in the trade, business or other commercial or industrial activity of the owner or occupant (collectively, the “off-site activity”), and which may include storing and maintaining

heavy equipment and heavy vehicles within buildings or structures and storing explosives, including blasting caps, that are used in the off-site activity, and kerosene and other volatile materials in volumes that are reasonably necessary to maintain equipment and vehicles; but which use does not include storing nuclear products, by-products or wastes. ~~(Added 11-12-08)~~

Heavy vehicles. “Heavy vehicles” means ~~v~~Vehicles that have more than five ~~(5)~~ axles or haul heavy equipment. For the purposes of this definition, the axles of tractor trucks and their trailers shall be counted as though they are a single vehicle. ~~(Added 11-12-08)~~

Helicopter. “Helicopter” means ~~a~~A rotorcraft which, for its horizontal motion, depends principally on engine driven rotors.

Heliport. “Heliport” means ~~a~~An area of land or water or a structure used or intended to be used for the take-off or landing of a helicopter.

Helistop ~~Restricted-Use Heliport~~. “Helistop” means ~~a~~A heliport without ~~such~~ auxiliary facilities as waiting room, hangar, parking, fueling or maintenance facilities.

High intensity discharge lamp. “High intensity discharge lamp” means a mercury vapor, metal halide, or high pressure sodium lamp, and for purposes of County Code § 18-4.17, a low pressure sodium lamp.

Highest adjacent grade. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historical center. “Historical center” means ~~o~~One or more buildings, structures or facilities designed ~~and/or~~ used for educational ~~and/or~~ interpretative activities related to natural, cultural, or agricultural history which are open to the public and located at or adjacent to a historic resource. For purposes of this definition, a “historic resource” is a district, site, building or structure with architectural, engineering, archaeological, or cultural remains present, which possesses integrity of location, design, setting, materials, workmanship, and association, and which is associated with one or more of the following historical or cultural themes: (i) events that have made a significant contribution to the broad patterns of local, state or national history; (ii) the lives of persons significant in local, state or national history; (iii) the embodiment of distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or (iv) yielding information important to prehistory or history. ~~(Added 6-8-05)~~

Historic ~~C~~country ~~S~~store ~~B~~building. “Historic country store building” means ~~a~~A building whose primary use at any time on or prior to January 1, 1965 was a country store.

Historic district. “Historic district” means ~~A~~any historic district listed in the National Register of Historic Places or the Virginia Landmarks Register. ~~(Added 12-10-09, Amended 12-14-16)~~

Historic structure or site. “Historic structure” or “historic site” means ~~a~~Any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register. For floodplain management purposes, the term “historic structure” means any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a Secretary of the Interior-approved State inventory of historic places; or (iv) individually listed on a county inventory of historic places under a county historic preservation program that has been certified by an approved State program as determined by the Secretary of the Interior. ~~(Added 12-10-97)~~

Hog Farm. “Hog farm” means a place where hogs are kept and raised primarily for sale.

Home for Developmentally Disabled Persons: ~~See Group home. (Amended 10-3-01)~~

Home Garden. “Home garden” means an activity accessory to residential usage of a property involving the cultivation of flowers, vegetables, fruit and/or other plants primarily for the consumption or enjoyment of the residents of such property, but expressly excluding the keeping of livestock and/or poultry. (Added 12-2-87)

Home Occupation, Class A: “Class A home occupation” means an occupation, not expressly prohibited by section 5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off site and do not come to the dwelling unit to engage in the occupation. (Amended 8-5-09, 1-12-11)

Home Occupation, Class B: “Class B home occupation” means an occupation, not expressly prohibited by section 5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two (2) additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off site and do not come to the dwelling unit or to any accessory structure to engage in the occupation. (Amended 8-5-09, 1-12-11)

Home Occupation, Major: The term “major home occupation” means an occupation, not expressly prohibited by section 5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two (2) additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off site and do not come to the dwelling unit or to any accessory structure to engage in the occupation. (Added 1-12-11)

Home Occupation, Minor: The term “minor home occupation” means an occupation, not expressly prohibited by section 5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off site and do not come to the dwelling unit to engage in the occupation. (Added 1-12-11)

Home occupation sign. “Home occupation sign” means a sign on the premises of a dwelling unit that has an authorized Class B or major home occupation that does not exceed four square feet in sign area and only states the name of the person occupying the dwelling and identifies the product or service offered by the home occupation.

Hospital. “Hospital” means a building or group of buildings designed, used or intended to be used, for the care of the sick, aged or infirmed, including the care of mental, drug-addiction or alcoholic cases. This terminology shall include, but not be limited to, skilled nursing facilities. (Amended 10-11-17)

Hotel. “Hotel” means a use composed of transient lodging provided within one or more buildings having six (6) or more guest rooms that provides transient lodging. (Amended 6-6-12)

Hydroelectric power plant. “Hydroelectric power plant” means an establishment for the generation of electricity using water sources.

Hydrologic and hydraulic analyses. “Hydrologic analysis” and “hydraulic analysis” mean analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and the Federal Emergency Management Agency, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Illuminated sign. “Illuminated sign” means a sign, or any part of a sign, that is illuminated by an external or internal light source.

Impounding structure. ~~The term~~ “Impounding structure” means a man-made structure, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials and includes: (i) all dams that are ~~twenty-five (25)~~ ~~fifteen (15)~~ feet or greater in height and that create an impoundment capacity of ~~fifteen (15)~~ acre-feet or greater; and (ii) all dams that are six ~~(6)~~ feet or greater in height and that create an impoundment capacity of ~~fifty (50)~~ acre-feet or greater. The term “impounding structure” does not include dams licensed by the State Corporation Commission that are subject to a safety inspection program; dams owned or licensed by the United States government; dams operated primarily for agricultural purposes which are less than ~~twenty-five (25)~~ feet in height or which create a maximum impoundment capacity smaller than ~~one hundred (100)~~ acre-feet; water or silt retaining dams approved pursuant to Virginia Code § 45.1-222 or 45.1-225.1; or obstructions in a canal used to raise or lower water. ~~(Added 1-1-14)~~

Impulse sound. “Impulse sound” means any sound of short duration with an abrupt onset and rapid decay. This includes but is not limited to explosions, drum beats, drop forge impacts, discharge of firearms and one object striking another.

Independent offices. “Independent offices” means, ~~in the industrial districts,~~ offices that are not “industrial offices.” located within industrial districts. ~~(Added 4-3-13)~~

Indoor Athletic Facility. “Indoor athletic facility” means a building or structure in which recreational, therapeutic, or athletic activities are conducted ~~recreational, therapeutic or athletic activities,~~ whether or not under instruction, such as but not limited to: ~~tennis and other court games racquet sports, court games such as basketball or pickleball,~~ swimming, aerobics, and weightlifting but excluding such uses as: bowling alley, billiard hall, bingo, miniature golf, amusement center and dance halls. ~~(Added 9-15-93)~~

Industrial offices. “Industrial offices” means ~~o~~Offices that are owned and operated by the same business entity engaged in a Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/ Assembly/Fabrication/Recycling, or a Storage/Warehousing/Distribution/Transportation use located in ~~Albemarle~~ the County or the City of Charlottesville, where the offices provide services to the industrial use but which need not be on the same site as the industrial use. For the purposes of this definition, “Offices that are owned and operated by the same business entity” does not mean offices that are part of an entity that is in an affiliated business entity relationship or a parent-subsidary relationship with the entity engaged in the industrial use. ~~(Added 4-3-13)~~

Industrialized building. “Industrialized building” means ~~A~~ a combination of one or more sections or modules, subject to state regulation, and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. For purposes of this definition, a manufactured home is not an industrialized building. ~~(Added 10-3-01; Amended 8-9-17)~~

Inert materials. “Inert materials” means ~~s~~Solid materials that are physically, chemically and biologically stable from further degradation and considered to be nonreactive, including rubble, concrete, bricks, broken bricks and blocks, and asphalt pavement. ~~(Added 7-3-02)~~

Infill. “Infill” means ~~A~~ as used in ~~section~~ County Code § 18-4.19, when ~~forty percent (40%)~~ or more, in the aggregate, of the residentially zoned lots fronting on a street are developed within ~~five hundred (500)~~ feet in both directions of the subject lot having less than ~~one hundred twenty (120)~~ feet of frontage on the same street at the time that it is developed, and development of the subject lot begins more than five ~~(5)~~ years after the date: (i) the final subdivision plat that created the lot was recorded in the ~~e~~Clerk’s office of the ~~e~~Circuit ~~e~~Court of the ~~e~~County; or (ii) the final site plan depicting the development of the lot was approved by the ~~e~~County. ~~(Added 6-3-15; Amended 3-2-16)~~

~~Inoperable motor vehicle: (Added 6-10-87; Repealed 10-3-01)~~

Inoperable vehicle. “Inoperable vehicle” means ~~a~~Any motor vehicle, trailer or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by State law to display valid license plates; (iii) it does not display an inspection decal if the vehicle is required by State law to display a valid inspection decal; or (iv) it displays an inspection decal that has been expired for more than ~~sixty (60)~~ days. ~~(Repealed 6-10-87; Added 10-3-01; Amended 1-1-14)~~

Interior lot. “Interior lot” means ~~a~~Any lot other than a corner lot.

Junk. “Junk” means ~~a~~Any scrap, discarded, dismantled or inoperable: vehicles, including parts or machinery thereof; household furniture and appliances; construction equipment and materials; tanks, containers, drums, and the contents thereof; and tires, pipes, wire, wood, paper, metals, rags, glass, plastic, food and related types of waste material. ~~(Added 10-3-01)~~

~~Junk-Yard.~~ “Junkyard” means ~~a~~Any land or structure used for the abandonment, baling, collection, dismantling, maintenance, recycling, sale, salvaging, storage, or wreckage of junk. ~~(Amended 10-3-01)~~

~~Kennel, Commercial:~~ A place designed or prepared to house, board, breed, handle or otherwise keep or care for dogs and/or cats for sale or in return for compensation except as an accessory to a single family dwelling.

Laboratories/Research and Development/Experimental Testing. “Laboratories/research and development/experimental testing” means ~~s~~Scientific research, testing, investigation or experimentation, the development of prototype products, and/or the assembly or manufacture of prototype products and including, but not limited to, bioscience and medical devices research, development and manufacturing, and information technology and defense security research, development and manufacturing; scientific or technical instruction. ~~(Added 4-3-13)~~

~~Laboratory, Medical:~~ “Medical laboratory” means ~~a~~A building or part thereof devoted to bacteriological, biological, x ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals; and production, fitting and/or sale of optical or prosthetic appliances. ~~(Added 6-10-92)~~

~~Laboratory, Pharmaceutical:~~ “Pharmaceutical laboratory” means ~~a~~A building or part thereof devoted to the testing, analysis and/or compounding of drugs and chemicals for ethical medicine or surgery, not involving sale directly to the public. ~~(Added 6-10-92)~~

Lamp. “Lamp” means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Letter of Map Amendment (LOMA). “Letter of Map Amendment” (“LOMA”) means an amendment based on technical data showing that a parcel, site or structure was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a particular parcel or site as described by metes and bounds, or a structure, is not located in a special flood hazard area.

Letter of Map Change (LOMC). “Letter of Map Change” (“LOMC”) means an official Federal Emergency Management Agency determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study in the form of a Letter of Map Amendment, a Letter of Map Revision, or any other similar official Federal Emergency Management Agency determination made by letter.

Letter of Map Revision (LOMR). “Letter of Map Revision” (“LOMR”) means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and regulatory floodway delineations, and planimetric features.

Letter of Map Revision Based on Fill (LOMR-F). “Letter of Map Revision Based on Fill” (“LOMR-F”) means a revision based on technical data making the determination that a parcel, site or structure has been elevated by fill, authorized and placed in accordance with County Code § 18-30.3 and all other requirements of this chapter, above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood.

Livestock. “Livestock” means domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep.

Local agricultural products. “Local agricultural products” means agricultural products grown or produced in Albemarle County or its abutting localities. ~~(Added 5-5-10)~~

Lodge. “Lodge” means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities.

Lot. “Lot” means a parcel of land either shown on a plat of record or described by metes and bounds or other legal description.

Lot, Corner: “Corner lot” means a lot abutting on two (2) or more streets at their intersection. The front of a corner lot shall be deemed to be the shortest of the sides fronting on streets except where existing development of such lot shall already have defined the front of such lot.

Lot, Interior: “Interior lot” means any lot other than a corner lot.

Lot, Width of: “Width of lot” means the average horizontal distance between side lot lines.

Lot of record. The term “lot of record” means a lot shown on a subdivision plat or other lawful plat or legal description which is lawfully recorded in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia. ~~(Amended 6-14-00)~~

Lowest floor. “Lowest floor” means the lowest enclosed area (including basement) of a building, provided that an unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, and further provided that the enclosed area is not built so as to render the building in violation of the applicable non-elevation design requirements of County Code § 18-30.3.15 and 44 CFR §60.3.

Lumen. “Lumen” means a standard unit of measurement of luminous flux.

Luminaire. “Luminaire” means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Main building. “Main building” means the principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Maintain. “Maintain” means, for the purposes of sign regulations, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter in any way, however slight, the copy, design, or the structure of the sign.

Major home occupation. “Major home occupation” means an occupation, not expressly prohibited by County Code § 18-5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two additional persons not residing within the

dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation.

Managed slopes. “Managed slopes” means slopes of 25 percent or greater depicted as a managed slope on the map entitled “Steep Slopes Overlay District,” adopted by the Board of Supervisors on March 5, 2014.

Mansard roof. “Mansard roof” means a roof having two slopes on all sides with the lower portion having a steeper slope than the upper portion. This definition shall apply to any roof having a flat upper portion and sloped sides.

Manufacture or manufacturing. “Manufacture” or “manufacturing” means ~~t~~The transformation of materials into an article or a product of substantially different character or use. ~~(Amended 10-3-01)~~

Manufactured home. The term “manufactured home” means ~~a~~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 as a “mobile home” is a manufactured home. For floodplain management purposes, “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on a site for longer than 180 consecutive days, but does not include a recreational vehicle. ~~(Added 10-3-01)~~

Manufactured home park. “Manufactured home park” means one ~~(1)~~ or more contiguous parcels of land in which three ~~(3)~~ or more rental lots are provided for manufactured homes.~~(Amended 3-5-86)~~

Manufactured home subdivision. “Manufactured home subdivision” means a subdivision of land for the purpose of providing lots for sale for manufactured homes.

Manufacturing/Processing/Assembly/Fabrication/Recycling. The term “manufacturing/processing/assembly/fabrication/recycling” means ~~t~~The processing and/or converting of goods, materials or products; the assembly of components, pieces or subassemblies into articles or substances of different character, or for use for a different purpose. ~~(Added 4-3-13)~~

Marquee. “Marquee” means a fixed covering that projects over an entrance to a theater or other building.

Marquee sign. “Marquee sign” means a type of wall sign incorporated in or attached to a marquee, and that may have changeable copy.

Medical laboratory. “Medical laboratory” means ~~a~~A building or part thereof devoted to bacteriological, biological, x-ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals; and production, fitting and/or sale of optical or prosthetic appliances.

Medical Center: ~~(Repealed 4-3-13)~~

Mentally or physically impaired person. “Mentally impaired person” or “physically impaired person” means, for the purposes of temporary family health care structure regulations, a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Virginia Code § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Monastery: See “Convent.” ~~(Added 1-1-87)~~

Menu sign. “Menu sign” means a sign designed and located to be read from a drive-thru lane.

Minor home occupation. “Minor home occupation” means an occupation, not expressly prohibited by County Code § 18-5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation.

Mobile personal wireless service facility. “Mobile personal wireless service facility” means ~~A~~ a portable self-contained personal wireless service facility site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. (~~Added 2-11-15~~)

Moving sign. “Moving sign” means a sign, any part of which moves by means of an electrical, mechanical or other device, or that is set in motion by wind.

Museum. “Museum” means ~~a~~An establishment devoted to the procurement, care, study and display of objects of lasting value or interest. (~~Added 10-3-01~~)

Multiple-family dwelling. “Multiple-family dwelling” means a structure arranged or designed to be occupied by more than two families, the structure having more than two dwelling units.

Natural Resource Extraction. “Natural resource extraction” means ~~t~~The process by which coal petroleum, natural gas, soil, sand, gravel, ore, or other minerals are removed from any open pit, borings or any other underground workings and produced for sale, exchange or commercial use or otherwise removed from the site, and all shafts, slopes, drifts or inclines leading thereto and including all buildings, structures and equipment above and below the surface of the ground used in connection with such process. Natural resource extraction as defined herein shall not be deemed to include: exploratory activities designed to determine the presence of coal, petroleum, natural gas, soil, sand, gravel, ore, or other minerals, including but not limited to, excavation, drilling, boring or core boring; the drilling or boring of wells for the purpose of obtaining water; nor the removal of soil and other related material as necessary to establish another permitted use upon the same site. (~~Amended 7-6-83~~)

Nearby lot. “Nearby lot” means, for the purposes of calculating shared parking, a lot within one-quarter (1/4) mile of the lot with which parking will be shared. Within the Downtown Crozet District (DCD), the term “nearby lot” means a lot within the DCD or a lot within one-quarter (1/4) mile of the lot with which parking will be shared.

Net floor area. “Net floor area” means the sum of the total horizontal areas of the several floors of all buildings on a lot measured from the interior faces of exterior walls and from the centerline of walls separating two or more buildings. The term “net floor area” shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, roof top mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators and areas under a sloping ceiling where the head room in 50 percent of such area is less than six feet, six inches.

Net residential area. “Net residential area” means that area of land and water within a development designed for residential purposes and unoccupied by streets, open space or parking areas, provided that individual private driveways accessory to residential uses shall not be considered streets or parking areas. “Net residential area” as defined here does not apply to comprehensive plan net residential area designations.

Net residential density. “Net residential density” means the total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre. “Net residential density” as defined here does not apply to comprehensive plan net residential density designations.

New construction. “New construction” means, for floodplain management purposes, structures for which the start of construction commenced on or after December 16, 1980 and includes any subsequent improvements to such structures.

Nighttime. “Nighttime” means, for the purposes of noise regulation, that period of a day beginning at 10:00 p.m. and ending at 7:00 a.m., each day of the week.

Noise. “Noise” means any sound which violates the sound level standards of County Code § 18-4.18, but does not include any sound which is exempt pursuant to County Code § 18-4.18.05.

Noncommercial speech. “Noncommercial speech” means speech that is not commercial speech, but does not include expressions related solely to the economic interests of the speaker and its audience that do not concern lawful activity or are misleading.

Nonconforming lot. ~~The term “n~~ “Nonconforming lot” means a lawful lot of record existing on the effective date of the zoning regulations applicable to the district in which the lot is located, that does not comply with ~~section 4 of this chapter~~ County Code § 18-4 and the minimum applicable size, frontage, width, building site or other lot requirements of that zoning district. (~~Added 6-14-00, Amended 12-2-09~~)

Nonconforming sign. “Nonconforming sign” means a lawful sign existing on the effective date of County Code § 18-4.15 that does not comply with the requirements contained herein.

Nonconforming Structure. ~~The term “n~~ “Nonconforming structure” means a lawful structure existing on the effective date of the zoning regulations applicable to the district, including any overlay district, in which the structure is located, that does not comply with the minimum applicable bulk, height, setback, floor area or other structure requirements of that district. (~~Amended 6-14-00, 5-12-10~~)

Nonconforming Use. ~~The term “n~~ “Nonconforming use” means a lawful principal use of the lot or a Class A, Class B, major or minor home occupation existing on the effective date of the zoning regulations applicable to the district in which the use is located, or a more restricted use, that does not comply with the applicable use regulations of that zoning district. A nonconforming use may have accessory uses, but an accessory use, other than a Class A, Class B, major or minor home occupation, shall not be eligible to be a nonconforming use. A use that is seasonal on the effective date of this chapter shall be eligible to be a nonconforming use. A use that is casual, intermittent, or temporary on the effective date of this chapter shall not be eligible to be a nonconforming use. (~~Amended 6-14-00, 1-12-11~~)

Non-historic country store building. “Non-historic country store building” means a building constructed after January 1, 1965 whose primary use at any time after that date was a country store.

Non-tidal wetland. ~~“Non-tidal wetland means a~~ “Non-tidal wetland means a wetland, other than a tidal wetland, that is inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as defined by the United States Environmental Protection Agency pursuant to section 404 of the federal Clean Water Act, in 33 C.F.R. § 328.3(b). (~~Added 3-19-03~~)

Nursery: See “Day Care, etc.”

Nursery School: See “Day Care, etc.”

Off-site directional sign. “Off-site directional sign” means a type of freestanding off-site sign that directs vehicular or pedestrian traffic, or both.

On-site directional sign. “On-site directional sign” means a type of on-site freestanding or wall sign that directs vehicular or pedestrian traffic, or both, that is not erected at the road entrance to the development,

and includes, but is not limited to, a sign that has non-electric changeable copy enclosed in a casement covered by a transparent material.

Off-site sign. “Off-site sign” means: (i) within a district other than a planned development district, a sign that is not located on the same lot with the use to which it pertains, but does not include a sign located in a public right-of-way; or (ii) within a planned development district, a sign that is not located within the area depicted on the application plan approved for the planned development, but does not include a sign located in a public right-of-way.

~~Off-site sign.~~ The term “off site sign” means: (i) if it is within a district other than a planned development district, a sign that is not located on the same lot with the use to which it pertains, but does not include a sign located in a public right of way; or (ii) if it is within a planned development district, a sign that is not located within the area depicted on the application plan approved for the planned development, but does not include a sign located in a public right of way. An off site sign shall count toward the number and square footage for the sign type allowed on the lot on which the sign is located. (Added 3-14-12; Amended 6-4-14)

~~Off-Street Parking Area.~~ “Off-street parking area” means sSpace provided for vehicular parking outside of any public street right-of-way.

Office. “Office” means aA room or group of rooms used for conducting the affairs of a business, profession, medical or dental practice service industry, or government. The uses previously identified in this chapter as “administrative office” and “professional office” are offices. ~~(Added 10-3-01)~~

Onsite sewage system. “Onsite sewage system” means aA conventional onsite sewage system or an alternative onsite sewage system. ~~(Added 7-11-12)~~

On-site sign. “On-site sign” means a sign located on the same lot with the principal use to which it pertains, and includes every sign whose copy is exclusively noncommercial speech.

~~On-site sign.~~ The term “on-site sign” means: (i) a sign containing copy that is commercial speech that is located on the same lot as the establishment to which it pertains; (ii) a sandwich board sign that is located on county owned right of way abutting the lot on which the establishment to which it pertains is located; and (iii) every sign containing copy that is exclusively noncommercial speech.

Opaque background. “Opaque background” means the portion of the face of a sign that lies behind the message portion of the sign, made of a material through which light cannot pass when the sign is internally illuminated at night.

Open Space. “Open space” means lLand or water left in undisturbed natural condition and unoccupied by building lots, structures, streets, or parking lots except as otherwise specifically provided in ~~section~~ County Code § 18-4.7.

Outdoor. “Outdoor” means eEither outside a structure, or inside a structure that has open windows, doors or other openings so as to allow the activity inside the structure to be visible or audible outside the structure. ~~(Added 4-3-13)~~

Outdoor Amphitheater. “Outdoor amphitheater” means aA permanent structure, whether open or enclosed, including a stage and tiered and/or sloped seating. ~~(Added 10-9-96)~~

Outdoor drama theater. “Outdoor drama theater” means an establishment whether operated for profit or not, providing live performance recreations of events of historic significance to and having actually occurred within the locality or immediately adjacent localities.

Outdoor luminaire. “Outdoor luminaire” means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Outdoor performance area. “Outdoor performance area” is a place of open-air (outdoor) assembly, consisting of a central space or stage for performances, which may be open to the sky or partially covered or enclosed. (~~Added 6-11-08~~)

Overlay district. “Overlay district” means the zoning districts established in County Code § 18-30.

Owner. “Owner” means the owner or owners of the fee simple interest of real property. (~~Added 12-5-12, effective 4-1-13~~)

Parapet. “Parapet” means that part of a wall entirely above the roof.

Parking structure. “Parking structure” a multi-storied structure located wholly or partly above grade and designed for the purpose of garaging vehicles. A parking structure may be incorporated into one or more structures containing commercial or residential uses. (~~Added 2-5-03~~)

Patio House, Atrium House. A single family dwelling having an open, landscaped courtyard partially or completely surrounded by living areas, which courtyard provides the main source of light and air for such dwelling.

Pennant. “Pennant” means a series of two or more sections of a piece of fabric or other flexible material that is generally triangular and tapering, suspended from a fixed structure, rope, wire, string or cable and designed to move in the wind and including, but not limited to, streamers and tinsel.

Permanent sawmill. “Permanent sawmill” means a sawmill permanently located for the purpose of processing timber without regard to point of origination.

Person. “Person” means any natural person, association, partnership, corporation or other legal entity.

Personal service shop. “Personal service shop” means shops and offices whose primary business relies on customers coming and going on a regular basis including, but not limited to, offices for some doctors, chiropractors and massage therapists, and barber/beauty shops, shoe repair shops, and dry cleaners. (~~Added 2-5-03~~)

Personal wireless service facility. “Personal wireless service facility” means a facility for the provision of personal wireless services, which may be composed of antennas, cables, wiring, supporting brackets and other structural equipment, grounding rods, transmission equipment, one or more ground equipment shelters, and a self-supporting monopole or tower. (~~Added 10-17-01; Amended 10-13-04, 6-1-11, 5-8-13~~)

Personal wireless services. “Personal wireless services” means commercial mobile services, unlicensed wireless services, common carrier wireless exchange access services, as those services are defined by federal law and, for the purposes of this chapter, unlicensed wireless broadband internet access services. (~~Added 5-8-13~~)

Pharmaceutical laboratory. “Pharmaceutical laboratory” means a building or part thereof devoted to the testing, analysis and/or compounding of drugs and chemicals for ethical medicine or surgery, not involving sale directly to the public.

Place of public entertainment. “Place of public entertainment” means a building or other place used primarily as a cinema, theater, amphitheater, concert hall, public hall, dance hall, restaurant or other place of entertainment open to the public, but not including a music festival authorized by a special use permit, regardless of whether the payment of money or other consideration is required for admission.

Political sign. “Political sign” means a sign that pertains to the candidacy of one or more persons for an elective office, or pertains to one or more issues to be voted upon, in an upcoming election.

Portable sign. “Portable sign” means a temporary sign that is not permanently affixed to the ground or to a permanent structure, or a sign that can be moved to another location including, but not limited to, a sign with attached wheels, or a sign consisting of A-shaped or T-shaped frames. See Figure I following County Code § 18-4.15.3.

Post-FIRM structures. “Post-FIRM structures” means a structure for which construction or substantial improvement lawfully occurred on or after December 16, 1980.

Poultry. “Poultry” means domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, and pigeons.

Pre-FIRM structures. “Pre-FIRM structures” means a structure for which construction or substantial improvement lawfully occurred before December 16, 1980.

Preservation area. “Preservation area” means an area identified on a plan submitted for approval which contains natural features such as non-tidal wetlands, floodplain, streams and stream buffers that are to be preserved in a natural state and not be developed with any manmade feature. (Added 3-19-03)

Preserved slopes. “Preserved slopes” means slopes of 25 percent or greater depicted as a preserved slope on the map entitled “Steep Slopes Overlay District,” adopted by the Board of Supervisors on March 5, 2014.

Primary surface. “Primary surface” means, for the purposes of the airport impact overlay district, a surface longitudinally centered on a runway. The primary surface for Runway 3-21 extends 200 feet beyond each end and is 1,000 feet wide. The elevation of the primary surface is the same as the elevation of the nearest point on the runway centerline.

Private garage. “Private garage” means an accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

Private Road. “Private road” means any road, street, or other way or means of vehicular access to a lot that is not maintained by the Virginia Department of Transportation, regardless of ownership, approved as a private road pursuant to Albemarle County Code §§ 14-232 through 14-235 or any prior ordinance regulating the subdivision of land. Any road identified on a recorded plat as a restricted road, access road or other designation which was not approved by the county as a private road pursuant to Chapter 14 or any prior ordinance of the county regulating the subdivision of land is not a private road as defined herein. (Added 2-6-02)

Private School. “Private school” means an institution of instruction not established and maintained at public expense, including colleges and universities, and those institutions providing art, culinary, cultural, drama, music, technical or vocational education or training. The uses identified in this chapter as “school of special instruction” and “technical and trade school” are private schools, except that in any zoning district where a private school is permitted by right, and a technical and trade school is permitted only by special use permit, those uses shall be separate. (Amended 10-3-01) The uses previously defined in this chapter as “schools of special instruction” and “technical and trade schools” are private schools.

Professional Office: See Office. (Amended 10-3-01)

Proffer. “Proffer” means a written condition offered by the owner of land who has applied for a zoning map amendment that imposes a regulation or requirement that is in addition to the regulations otherwise applicable to the land under this chapter. (Added 10-3-01; Amended 7-11-07)

Program authority. “Program authority” means ~~t~~The Department of engineering and public works Community Development, including any officer or employee of the department authorized by the County Engineer to act pursuant to County Code Chapter 17 of the Code of Albemarle. ~~(Added 7-3-02)~~

Projecting sign. “Projecting sign” means a sign, other than a wall sign, that is attached to a structure but which is not mounted parallel to the structure’s wall surface, and includes, but is not limited to, an awning sign. See Figure I following County Code § 18-4.15.3.

Property line. “Property line” means an imaginary line along the ground surface which separates the real property owned by one person from another.

Public facility. “Public facility” means a structure or use which may be publicly or privately owned or operated and which is generally open to the public, and includes but is not limited to schools, libraries, parks, hospitals and uses of a similar character.

Public garage. “Public garage” means ~~a~~A building or portion thereof, other than a private garage, designed or used for servicing or repairing motor driven vehicles.

Public Sewerage sewage Ssystem. “Public sewage system” means ~~a~~Any sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, operated by, for, or under the authority of the Albemarle County Service Authority and/or the Rivanna Water and Sewer Authority, or both.

Public sign. “Public sign” means a sign that is erected and maintained by a town, city, county, state or federal government or an authority thereof, and any lawful road name and number sign regardless of whether it was publicly or privately erected or maintained.

Public uses. “Public uses” means ~~p~~Public uses, buildings and structures including, but not limited to, schools, offices, parks, playgrounds and roads funded, owned, or operated, or receiving a majority of the use’s operating budget from ~~by~~ local, state or federal agencies and including temporary or mobile facilities for these purposes; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and similar facilities owned ~~and/or~~ operated by the Rivanna Water and Sewer Authority (reference County Code § 18-5.1.12). ~~(Added 4-3-13)~~

Public Uutility. “Public utility” means ~~a~~Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewerage facilities, either directly or indirectly, to or for the public.

Public Wwater Ssupply. “Public water supply” means ~~a~~A water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, operated by, for, or under the authority of the Albemarle County Service Authority and/or the Rivanna Water and Sewer Authority, or both.

Rare gas illumination. “Rare gas illumination” means a sign using a rare gas such as neon, argon, helium, xenon or krypton in a glass tube for illumination.

Real estate sign. “Real estate sign” means a sign that is used to advertise the sale, lease, rental, development or other use of the property on which the sign is located.

Rear yard. “Rear yard” means an open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps), the rear line of the lot and extending the full width of the lot.

Receiving zone. “Receiving zone” means, for purposes of County Code § 18-4.18 *et seq.*, the zoning classification of the property receiving the noise, as shown on the official zoning maps. For property

which is located within another jurisdiction, the Zoning Administrator shall determine the comparable zoning category, and be guided in making the determination by the actual use of the property. The receiving zones shall include property with the zoning classifications set forth below:

1. *Commercial receiving zone.* “Commercial receiving zone” means property zoned commercial (C-1), commercial office (CO), highway commercial (HC), planned development -- shopping centers (PDSC), planned development -- mixed commercial (PDMC), the commercial areas of a planned unit development (PUD), and any other commercial zoning district.
2. *Industrial receiving zone.* “Industrial receiving zone” means property zoned light industrial (LI), highway industrial (HI), planned development -- industrial park (PDIP), the industrial areas of a planned unit development (PUD), and any other industrial zoning district.
3. *Public space or institutional receiving zone.* “Public space or institutional receiving zone” means property determined by the zoning administrator to be a public facility or an institution.
4. *Rural areas and residential receiving zone.* “Rural areas and residential receiving zone” means property zoned rural areas (RA), village residential (VR), residential (R-1, R-2, R-4, R-6, R-10, and R-15), planned residential development (PRD), the residential area of a planned unit development (PUD), the portions of the University of Virginia located within Albemarle County, and any other rural or residential zoning district.

Recommendations. “Recommendations” means, as used in County Code § 32, suggestions for design change as may be deemed in the public interest by Site Review Committee members in the area of their respective expertise or by the Architectural Review Board. ~~(Added 10-3-12, effective 1-1-13)~~

Recreational vehicle. “Recreational vehicle” means a vehicular type camping unit, not exceeding 400 square feet in area, certified by the manufacturer as complying with ANSI A119.2 or A119.5, and designed primarily as temporary living quarters for recreation that has either its own motive power or is mounted on or towed by another vehicle. Camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers, and truck campers are types of recreational vehicles. For floodplain management purposes, the term “recreational vehicle” means a vehicle which is: (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty vehicle; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. The use previously defined in this chapter as a “travel trailer” is a recreational vehicle.

Recycling collection station. “Recycling collection station” means a facility providing designated containers for the collection, sorting, and temporary storage of recoverable resources such as paper, glass, metal, and plastic products until they are transported to a recycling process center or to another location. ~~(Added 4-3-13)~~

Recycling processing center. “Recycling processing center” means a facility to recycle, process, or treat recoverable resources such as paper, glass, metal, and plastic products in order to return them to a condition in which they can be reused for production. ~~(Added 4-3-13)~~

Reference tree. “Reference tree” means a tree designated for determining the top height of a treetop facility’s monopole mounting structure. This may either be the tallest tree within twenty-five (25) feet of the proposed monopole or a shorter tree that provides has been strategically identified for screening and camouflaging purposes of the monopole from neighboring properties. ~~(Added 10-13-04)~~

Regulatory floodway. “Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Religious assembly use. Religious assembly use” means A a building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines. ~~(Added 8-9-17)~~

Rendering plant. “Rendering plant” means a facility which processes animal by-product materials for the production of tallow, grease, biodiesel, high-protein meat and bone meal, and other products

Repetitive loss structure. “Repetitive loss structure” means a building covered by a contract for flood insurance that has incurred flood-related damage on two occasions during a ten year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.

Replacement. “Replacement” means Aas used in section County Code § 18-5.1.40 and any definitions pertaining to personal wireless service facilities, the replacement of transmission equipment of the same or lesser size in the same location as the equipment being replaced on an eligible support structure. ~~(Added 5-8-13; Amended 4-8-15)~~

Replacement, exempt. A replacement that would not result in a substantial change in the physical dimensions of the eligible support structure. ~~(Added 4-8-15)~~

Requirements. “Requirements” means, aAs used in County Code § 32, the regulatory provisions of this chapter, including all applicable proffers, special use permits and conditions thereof, special exceptions and conditions thereof, variances and conditions thereof, application plans, codes of development and other applicable laws, and the rules, regulations and design guidelines identified by the architectural review board as being required to be satisfied in order to obtain a certificate of appropriateness. ~~(Added 10-3-12, effective 1-1-13)~~

Research and development. “Research and development” means aA facility primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing, and/or training aimed at the discovery and interpretation of facts, theories, and/or the practical application of the above to products or processes. ~~(Added 6-11-08)~~

Residential Area (Gross): ~~The total area of land and water within a residential development.~~

Residential Area (Net): ~~That area of land and water within a development designed for residential purposes and unoccupied by streets, open space or parking areas, provided that individual private driveways accessory to residential uses shall not be considered streets or parking areas.~~

Residential Density (Gross): ~~The total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.~~

Residential Density (Net): ~~The total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre.~~

Residential sign. The term “Residential sign” means a sign erected on a lot containing a private dwelling whose copy is exclusively noncommercial speech.

Restaurant. “Restaurant” means aAn establishment wherein, for compensation, meals or beverages are served for consumption on or off the premises. The term “restaurant” includes, but is not limited to, those establishments commonly known as restaurants, fast food restaurants, coffee shops, cafeterias, cafes, lunchrooms, luncheonettes, hotel dining rooms, dinner theaters, taverns, and soda fountains. The term “restaurant” does not include a snack bar or refreshment stand at a public or nonprofit recreation facility, operated solely by the operator of the facility for the convenience of its patrons. Dancing by patrons shall

be considered as entertainment accessory to a restaurant, provided the space available for such dancing shall not be more than ~~one-eighth (1/8)~~ of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the permit requirements of County Code Chapter 12 of the Code of Albemarle. ~~The uses identified in this chapter as “eating establishment” and “fast food restaurant” are restaurants. (Amended 10-3-01)~~

Retail Sales Area. “Retail sales area” means ~~t~~That portion of the net floor area of a commercial use devoted to the display and/or sale of merchandise to the public. Storage of inventory, offices, and other such areas not devoted to the sale and/or display of merchandise shall not be considered as retail sales area. ~~(Added 7-20-88)~~

Retail Stores and Shops. “Retail stores” means ~~b~~Buildings for display and sale of merchandise at retail ~~or for the rendering of personal services such as the following, which will serve as illustration only and are not to be considered exclusive:~~ drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, ~~tailor shop, barber shop and beauty shop.~~

Ridge area: “Ridge area” means ~~A~~all land within ~~one hundred (100)~~ vertical feet of, and including, the ridgeline and peaks of a mountain or chain of mountains, as identified on a ridge area map approved by the board of supervisors. ~~-(Added 10-13-04)~~

Ridgeline: “Ridgeline” means ~~T~~the uppermost line created by connecting the peaks of a mountain or chain of mountains, and from which land declines in elevation on at least two ~~(2)~~ sides, as identified on a ridge area map approved by the ~~B~~oard of ~~S~~upervisors. ~~-(Added 10-13-04)~~

Road: ~~See Street.~~

Roof, Fake Mansard: ~~A roof constructed in the fashion of a mansard roof, any portion of which extends below the intersection of the wall face and roof decking.~~

Roof, Mansard: ~~A roof having two (2) slopes on all sides with the lower portion having a steeper slope than the upper portion. This definition shall apply to any roof having a flat upper portion and sloped sides.~~

Roof sign. “Roof sign” means a sign erected on a structure that extends, in whole or in part, above the top of the wall of the structure; except that a sign located on a fake mansard is not a roof sign, but is a wall sign.

Runway protection zone. “Runway protection zone” means an area at ground level underlying a portion of the FAR Part 77 imaginary runway approach surface and extending to a point on the ground where the elevation of the approach surface reaches 50 feet above the runway end elevation. The runway protection zone is trapezoidal in shape and centered about the extended runway centerline, with dimensions for a particular runway end defined by the type of aircraft and approach visibility minimum associated with that runway end. The runway protection zone typically begins 200 feet beyond the end of the runway area usable for takeoff and landing, and extends from the ends of the primary surface. At the Charlottesville-Albemarle Airport, the dimensions of the runway protection zone for Runway 3 are 1,000 feet (inner width), 1,750 feet (outer width) and 2,500 feet (length); the dimensions of the runway protection zone for Runway 21 are 1,000 feet (inner width), 1,510 feet (outer width) and 1,700 feet (length).

Rural Preservation Development. “Rural preservation development” means a subdivision of land consisting of development lots together with a rural preservation tract.

Rural Preservation Tract. “Rural preservation tract” means a lot, the usage and diminishment of which is restricted and protected by legal arrangements to insure its maintenance and preservation for the purpose of preservation of agricultural and forestal land and activity; water supply protection; and/or conservation of natural, scenic or historic resources.

Safety area. ~~The term “s~~ “Safety area” means the airport primary surface and the runway protection zone at each end of the runway as shown on the Airport Lay-Out Plan. ~~(Amended 6-8-05)~~

Sanitary Landfill: “Sanitary landfill” means a place for the disposal of solid wastes approved in accordance with the regulations of the State Board of Health.

~~*Sawmill, Permanent:* A sawmill permanently located for the purpose of processing timber without regard to point of origination.~~

~~*Sawmill, Temporary:* A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.~~

~~*School of Special Instruction:* See Private School (Repealed 10-3-01)~~

Sandwich board sign. “Sandwich board sign” means an A-frame sign with two (2) faces that is periodically placed directly in front of the place of business that it advertises, with dimensions of no more than four feet in height, two feet in width, and eight square feet of area per sign face.

Seasonal agriculture work. ~~The term “s~~ “Seasonal agriculture work” means work by a person employed to work on a farm to perform either field work related to planting, cultivating, work related to keeping livestock and/or poultry, or harvesting operations, or work related to canning, packing, ginning, seed conditioning or related agriculture operations, and the work pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. A person who moves from one seasonal activity to another while employed by the farm to perform agriculture work is engaged in seasonal agriculture work even though he or she may continue to be employed by the farm throughout the year. ~~(Added 12-13-06)~~

Self-service storage facility. “Self-service storage facility” means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property, not intended for use by heavy commercial users and not involving frequent heavy trucking. The use previously identified in this chapter as “light warehousing” is a self-service storage facility.

~~*Service industry.* A business where multiple employees perform their work primarily through telephones and computers, in large communal areas or in small cubicles, rather than in individual offices. (Added 2-5-03)~~

Service station. “Service station” means aAn establishment where gasoline or diesel fuel is stored, housed and sold for supply to motor vehicles, and may include accessory motor vehicle servicing within the principal building. The use identified in this chapter as “automobile service station” is a service station. (Added 10-3-01)

Setback. “Setback” means tThe distance by which any building or structure is separated from any street, road access easement, or lot line. (Amended 7-1-81, 6-3-15)

Shallow flooding area. “Shallow flooding area” means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident, and where the flooding may be characterized by ponding or sheet flow.

Shared driveway. “Shared driveway” means a~~A~~ form of vehicular access to only two lots which have frontage on a public street or an approved private road and which are authorized pursuant to ~~Albemarle~~ County Code § 14-241. ~~(Added 2-6-02)~~

Shielded or screened from view. “Shielded or screened from view” means, a~~As~~ used in ~~section~~ County Code § 18-4.12.3, the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the parcel on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) an opaque masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing. ~~(Added 1-1-14)~~

Shopping center. “Shopping center” means, f~~For~~ purposes of ~~section~~ County Code § 18-4.12, one or more buildings containing a minimum of ~~ten thousand (10,000)~~ square feet of gross leasable area and eight ~~(8)~~ or more retail stores, personal service shops or restaurants under the same management or association for the purpose of providing property management, parking, site coverage, advertising, promotion and other similar benefits. In addition, the building or buildings shall have one or more of the following characteristics: (1) the stores, personal service shops or restaurants are connected by party walls, partitions, canopies or similar features; or, (2) some or all of the stores, personal service shops or restaurants are located in separate buildings that are designed as a single commercial group sharing common parking areas and vehicular travelways and are connected by walkways and accessways designed to encourage customer interchange between the buildings and otherwise present the appearance of a continuous commercial area without regard to ownership. Any site within a group of uses or separate parcel involving the sale of gasoline shall be excluded from this definition of shopping center. ~~(Added 2-5-03)~~

Side Yard. “Side yard” means an open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Sign: ~~(Repealed 7-8-92)~~

Sign, Area of: ~~(Repealed 7-8-92)~~

Sign, Auction: ~~(Repealed 7-8-92)~~

Sign, Business: ~~(Repealed 7-8-92)~~

Sign, Directional: ~~(Repealed 7-8-92)~~

Sign, Free standing: ~~(Repealed 7-8-92)~~

Sign, General Outdoor Advertising: ~~(Repealed 7-8-92)~~

Sign, Home Occupation: ~~(Repealed 7-8-92)~~

Sign, Hunting, Fishing or Trespassing: ~~(Repealed 7-8-92)~~

Sign, Identification: ~~(Repealed 7-8-92)~~

Sign, Illuminated: ~~(Repealed 7-8-92)~~

Sign, Location: ~~(Repealed 7-8-92)~~

Sign, Political: ~~(Repealed 7-8-92)~~

Sign, Projecting: ~~(Repealed 7-8-92)~~

Sign, Public: ~~(Repealed 7-8-92)~~

Sign, Roof: ~~(Repealed 7-8-92)~~

Sign, Sale or Rental: ~~(Repealed 7-8-92)~~

Sign, Subdivision: ~~(Repealed 7-8-92)~~

Sign, Temporary Directional: ~~(Repealed 7-8-92)~~

Sign, Temporary Event: ~~(Repealed 7-8-92)~~

Sign, Wall: ~~(Repealed 7-8-92)~~

Sign(s): ~~Reference section 4.15. (Added 7-8-92)~~

Sign. “Sign” means any object, device or structure, or any part thereof including the sign face and the sign structure, visible from beyond the boundaries of the lot on which it is located, and which has copy

containing commercial speech, noncommercial speech, or governmental speech. The term A “sign” does not include: (i) a flag representing the official symbol of a national, state, or local government; (ii) works of art in which creative skill or imagination is expressed in a visual form, such as a painting or a sculpture, intended to beautify or provide an aesthetic influence, and which contains no copy containing commercial speech; and (iii) architectural elements incorporated into the style or function of a structure.

Sign area. “Sign area” means the area of a sign face within the smallest square, circle, rectangle, triangle, or combination thereof, that encompasses the extreme limits of the copy, together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed. See Figure II following County Code § 18-4.15.12.

Sign face. “Sign face” means the area or display surface used to advertise, identify, display, or direct or attract attention. See Figure II following County Code § 18-4.15.12.

Sign structure. “Sign structure” means the supports, uprights, bracings and framework of any structure, be it single-faced, double-faced, V-type or otherwise, used to exhibit a sign. See Figure I following County Code § 18-4.15.3.

Site: The term “site” means one or more lots, or any part thereof, including one or more lots shown on a subdivision plat, site plan, or application plan. References in this chapter to “premises,” “land,” “lands,” “lots” or “parcels” are to a site. ~~(Added 7-1-09)~~

Single Family Dwelling. “Single family dwelling” means a building containing one dwelling unit. For the purposes of this chapter, construction and occupancy of an approved accessory apartment within a single family dwelling does not change the single family dwelling designation of a building.

Site. ~~The term “s”~~Site means one or more lots, or any part thereof, including one or more lots shown on a subdivision plat, site plan, or application plan. References in this chapter to “premises,” “land,” “lands,” “lots” or “parcels” are to a site. ~~(Added 7-1-09)~~

Site plan. “Site plan” means aA plan satisfying the requirements of section County Code § 18-32 of this chapter that delineates the overall scheme of development of one or more lots including, but not limited to, grading, engineering design, construction details and survey data for existing and proposed improvements. The document identified in this chapter as a site development plan is a site plan. ~~(Added 10-3-01)~~

Skilled nursing facility. “Skilled nursing facility” means A a facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, sanitariums, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities. ~~(Added 10-11-17)~~

Skylight. “Skylight” means Locating a personal wireless service facility in such a way that the sky is the backdrop of any portion of the facility. Skylight has the same meaning as “skylining,” as that term is used in the County’s “Personal Wireless Service Facility Policy” ~~wireless policy.~~ ~~(Added 10-13-04)~~

Slaughterhouse. “Slaughterhouse” means a facility for the slaughtering and processing of animals.

~~*Slaughterhouse, custom:* An establishment for the slaughter of livestock from which no meat or other product of the slaughter is sold other than materials generally considered inedible for humans generated as waste or by-products of the slaughter including, but not limited to, blood, bones, viscera, and hides that may be sold for purposes of removal from the site. The use identified in this chapter as “abattoir” is a custom slaughterhouse. (Amended 10-3-01)~~

~~*Slopes, critical:* Slopes, other than managed or preserved slopes, of twenty five (25) percent or greater as determined by reference to either current topographic mapping available from the county or a more accurate field survey certified by a professional surveyor or engineer. Slopes of twenty five (25) percent or greater which are lawfully created within a development that was approved by the county shall not be considered critical slopes. (Added 7-11-12; Amended 3-5-14)~~

~~*Slopes, managed:* Slopes of twenty five (25) percent or greater depicted as a managed slope on the map entitled “Steep Slopes Overlay District,” adopted by the board of supervisors on March 5, 2014. (Added 3-5-14)~~

~~*Slopes, preserved:* Slopes of twenty five (25) percent or greater depicted as a preserved slope on the map entitled “Steep Slopes Overlay District,” adopted by the board of supervisors on March 5, 2014. (Added 3-5-14)~~

~~*Slopes, steep:* Steep slopes are referred to as critical slopes on lands outside of the steep slopes overlay district and are referred to as either managed or preserved slopes within the steep slopes overlay district. (Added 3-5-14)~~

Small wind turbine. “Small wind turbine” means a~~A~~ wind energy conversion system used for the generation of power to support an authorized use on the property and all components of the system including, but not limited to, the tower, guy wires, wiring, rotors and turbine blades, generators and control systems. ~~(Added 12-10-09)~~

Solar energy system. “Solar energy system” means A~~An~~ energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one-half acre or more of total land area. ~~(Added 6-14-17)~~

Sound level meter. “Sound level meter” means an instrument used for making sound level measurements which meets the requirements of the American National Standards Institute Type II rating.

Source sound level. “Source sound level” means the equivalent sound level of the source being measured.

Special event. “Special event” means a~~An~~ event authorized by ~~section~~ County Code § 18-10.2.2(50) that is typically conducted on a single day, but which may be conducted for up to three ~~(3)~~ consecutive days, for which attendance is permitted only by invitation or reservation; *special events* include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties. ~~(Added 7-13-05)~~

Special exception. “Special exception” means a~~An~~ exception to the general regulations in any particular district pertaining to the size, height, area, bulk or location of structures or the areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, that is not permitted in any particular district except by a special exception granted under this chapter. ~~(Added 12-5-12, effective 4-1-13)~~

Special flood hazard area. “Special flood hazard area” means the land in the floodplain subject to a one percent or greater chance of flooding in any given year and which may be designated as Zone A on the Flood Hazard Boundary Map and, after detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map, designated as Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, or AR/A.

Special lot. ~~The term “~~“Special lot” means a lot created to be used exclusively for public or private streets, railroad rights-of-way and railroad lines, public utilities, publicly owned or operated public facilities, publicly owned or operated parks, publicly or privately owned sites for personal wireless service facilities, central water supplies and central sewerage systems as those terms are defined in

~~Chapter 16, stormwater management facilities, cemeteries existing on June 8, 2011, conservation areas, preservation areas, open space, and greenways. (Added 6-1-11)~~

Special use permit. “Special use permit” means a~~A~~ permit for a special use that is not permitted in a particular district except by a special use permit granted under this chapter. ~~(Added 12-5-12, effective 4-1-13)~~

~~*Specimen tree:* A tree in a mature form that approaches the optimum form and density characteristics for the particular species and variety. (Added 3-19-03)~~

Spring Water. “Spring water” means w~~Water~~ derived at the surface from an underground formation which flows to the surface through natural cracks and fissures under natural pressure. ~~(Added 6-10-92)~~

~~*Stable, Commercial:* A building, group of buildings, or use of land, or any combination thereof, where, for compensation, whether monetary or goods, provision is made for horses or ponies for hire or instruction in riding. (Amended 11-15-95)~~

Stacking. “Stacking” means a~~An~~ area for temporary queuing of vehicles while awaiting entry for service. ~~(Added 2-5-03)~~

Stand alone parking. “Stand alone parking” means a~~A~~ parking area, including a parking structure, located on a lot other than the lot on which the use served by the parking area is located, that is the primary use for that lot. ~~(Added 2-5-03)~~

Start of construction. “Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days after the date the permit was issued; provided that: (i) “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation; (ii) “permanent construction” does not include land preparation, such as clearing, grading and filling, nor the installation of streets or walkways, or both; nor any excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor the installation on the site of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure; and further provided that, for a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep slopes. “Steep slopes” means critical slopes on lands outside of the steep slopes overlay district and are referred to as either managed or preserved slopes within the steep slopes overlay district.

Stepback. “Stepback” means a~~A~~ building setback of a specified distance that occurs at a prescribed number of stories or feet above the ground. ~~(Added 6-11-08)~~

Storage yard. “Storage yard” means a~~An~~ area used for parking, storing and/or maintaining equipment, vehicles and materials used off-site in the trade, business or other commercial or industrial activity of the owner or occupant, and which may include storing and maintaining equipment, vehicles and materials within buildings or structures; but which use does not include parking, storing and/or maintaining heavy equipment and heavy vehicles, storing explosives, including blasting caps, storing nuclear products, by-products or wastes, or storing kerosene or other volatile materials except that which is reasonably necessary to maintain equipment and vehicles. ~~(Added 11-12-08)~~

Storage/Warehousing/Distribution/Transportation. “Storage/warehousing/distribution/transportation” means a~~An~~ establishment used primarily for the safekeeping, selling or transferring of saleable goods or

raw materials to be incorporated into saleable goods including, but not limited to, storage facilities, call centers, data processing facilities or transit; an establishment used as a privately owned and operated waste transfer station; and towing services and the storage of vehicles in conjunction with that service. (~~Added 4-3-13~~)

Stormwater management facility. “Stormwater management facility” means the system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through, and from a site. Stormwater management facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

Story. “Story” means ~~t~~That portion of a building, having more than one-half ($1/2$) of its height above grade, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it. (~~Amended 6-11-08~~)

~~Story, Half:~~ A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ($2/3$) of the floor area is finished off for use.

Street. “Street” means ~~a~~A public or private thoroughfare which affords vehicular access to abutting property. The term “road” as used in this chapter means a street.

Street Line. “Street line” means ~~t~~The dividing line between a street or road right-of-way and the contiguous property.

Structure. “Structure” means ~~a~~Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, etc. For the purpose of the determination of setback, signs shall be excluded as a structure. For floodplain management purposes, the term “structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. (~~Amended 7-8-92~~)

Student suites. “Student suites” means ~~u~~Units with a common living, dining and kitchen area shared by individuals occupying leased or rented bedrooms having their own private bathrooms, and located in multi-unit residential buildings. (~~Added 2-5-03~~)

Subdivision sign. “Subdivision sign” means a type of freestanding sign erected at the entrance of a residential development that identifies the development.

Submit. “Submit” means ~~t~~To pay the applicable required fee and to have an application or other required document marked by the ~~e~~County as “received.” (~~Added 10-3-12, effective 1-1-13~~)

Subordinate retail sales. “Subordinate retail sales” means ~~t~~The retail sale of products of a Laboratories/ Research and Development/ Experimental Testing, Manufacturing/Processing/Assembly/Fabrication/ Recycling, or a Storage/ Warehousing/Distribution/Transportation use that is located on the same site as the industrial use. (~~Added 4-3-13~~)

Substantial change. “Substantial change” means ~~a~~ A modification to an eligible support structure that meets one or more of the following criteria: (~~Added 4-8-15~~)

1. *Increase in height.* For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent (~~10%~~) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed ~~twenty~~ (~~20~~) feet, whichever is greater; for other eligible support structures, the modification increases the

height of the structure by more than ten percent (~~10%~~) or more than ten (~~10~~) feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

2. *Increase in width.* For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ~~twenty~~ (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (~~6~~) feet.
3. *Excessive equipment cabinets.* For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (~~4~~) cabinets; or, for towers in the public rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (~~10%~~) larger in height or overall volume than any other ground cabinets associated with the structure.
4. *Expands tower site.* The modification entails any excavation or deployment outside the current site.
5. *Defeats concealment elements.* The modification would defeat the concealment elements of the eligible support structure.
6. *Does not comply with conditions of approval.* The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs (~~1~~) one through (~~4~~) four of this definition.

Substantial damage. "Substantial damage" means, for purposes of floodplain management, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial impact. "Substantial impact" mean ~~An~~ impact that may arise from an event or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that has a significant adverse effect on: (i) an abutting lot or the neighborhood, including an impact on any owner, occupant, or agricultural or silvicultural activity; or (ii) any rural road, natural resource, cultural resource, or historical resource. A substantial impact may result from a wide variety of factors including, but not limited to, the generation of traffic, noise, dust, artificial outdoor light, trash, stormwater runoff, and excessive soil compaction; the failure to provide adequate traffic controls and sanitation facilities; the cumulative effects of large numbers of events and activities occurring simultaneously, particularly when they are in close proximity to one another or require travel on the same rural roads; and events and activities that are incompatible with existing production agriculture. (~~Added 11-12-14~~)

Substantial improvement. "Substantial improvement" means, for the purpose of floodplain management, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement and includes structures which have incurred substantial damage regardless of the actual repair work

performed; provided that the term does not include: (i) any project for improvement of a structure to correct existing violations of state or county health, sanitary, or safety code regulations which have been identified by the zoning administrator, the building official or any other code enforcement officer and which are the minimum necessary to assure safe living conditions; or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Subsurface drainfield. "Subsurface drainfield" means a~~A~~ system installed within the soil and designed to accommodate treated sewage from a treatment works. ~~(Added 7-11-12)~~

Supporting commercial uses. "Supporting commercial uses" means a~~A~~ retail or office use within an industrial district that is subordinate to and which primarily serves Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/Assembly/Fabrication/Recycling, or Storage/Warehousing/Distribution/Transportation uses or their employees including, but not limited to, restaurants such as sandwich shops, beauty salons, banks, ~~day-care~~ child day centers, copy centers, private parcel shipping and delivery services, courier services, printing services, cleaners, commercial truck repair, financial services, accounting services, human resources services, employment services, and temporary employment services. ~~(Added 4-3-13)~~

Temporary construction headquarters. "Temporary construction headquarters" means a~~A~~ building or structure used for the on-site management or oversight of construction or development activity for the duration authorized in County Code~~§ section 18-5.1.18(a).~~ ~~(Added 7-1-09)~~

Temporary construction yard. "Temporary construction yard" means a~~An~~ area used for the on-site storage of construction or development materials, supplies, equipment, and tools, and the on-site stockpiling and recycling of useable construction materials and other items, for the duration authorized in ~~section~~ County Code § 18-5.1.18(b). ~~(Added 7-1-09)~~

Temporary family health care structure. "Temporary family health care structure" means a~~A~~ transportable residential structure providing an environment facilitating a caregiver's provisions of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one ~~(4)~~ occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Virginia Code § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than ~~three hundred~~ (300) gross square feet in area; (iv) complies with the applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code, as amended; and (v) is not placed on a permanent foundation. ~~(Added 8-9-17)~~

Temporary sawmill. "Temporary sawmill" means a portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

Theater, Outdoor Drama: ~~An establishment whether operated for profit or not, providing live performance recreations of events of historic significance to and having actually occurred within the locality or immediately adjacent localities. (Added 6-10-92)~~

Temporary sign. "Temporary sign" means a sign that is displayed for only a limited period of time authorized in County Code § 18-4.15.6, that describes or identifies participants in a seasonal, brief or particular event or activity to be or being conducted upon a lot.

This chapter. "This chapter" means Chapter 18 of the Albemarle County Code, also known as the Albemarle County zoning ordinance, and all applicable proffers, special use permits and their conditions, certificates of appropriateness and their conditions, variances and their conditions, application plans,

codes of development, site plans, zoning compliance clearances, waivers, modifications and variations and their conditions, and all other approvals and their conditions authorized by this chapter.

Tier I personal wireless service facility or Tier I facility. “Tier I personal wireless service facility” or “tier I facility” means a~~A~~ personal wireless service facility that: (i) is located entirely within an existing building but which may include a self-contained ground equipment shelter not exceeding ~~one hundred fifty~~ (150) square feet that is not within the building or a whip antenna that satisfies the requirements of ~~subsection~~ County Code § 18-5.1.40(c); (ii) consists of one or more antennas, other than a microwave dish, attached to an existing structure, together with associated personal wireless service equipment; (iii) is located within or camouflaged by an addition to an existing structure determined by the agent to be in character with the structure and the surrounding district; or (iv) is the replacement of a wooden monopole with a metal monopole that does not exceed the maximum dimensions permitted under ~~subsection~~ County Code § 18-5.1.40(b)(9). ~~(Added 10-13-04; Amended 5-8-13, 4-8-15)~~

Tier II personal wireless service facility or Tier II facility. “Tier II personal wireless service facility” or “tier II facility” means a~~A~~ personal wireless service facility that is a treetop facility not located within an avoidance area. ~~(Added 10-13-04)~~

Tier III personal wireless service facility or Tier III facility. “Tier III personal wireless service facility” or tier III facility” means a~~A~~ personal wireless service facility that is neither a Tier I nor a Tier II facility, including a facility that was not approved by the ~~e~~Commission or the ~~b~~Board of ~~s~~Supervisors as a Tier II facility. ~~(Added 10-13-04)~~

Total sound level. “Total sound level” means the equivalent sound level of the source being measured and ambient sound before correction to determine the source sound level.

Tourist Lodging. “Tourist lodging” means a~~A~~ use composed of transient lodging provided within a single family dwelling having not more than five ~~(5)~~ guest rooms, where the single family dwelling is actually used as such and the guest rooms are secondary to the single-family use, whether or not the guest rooms are used in conjunction with other portions of the dwelling. ~~(Amended 6-6-12)~~

Tower. “Tower” means A~~a~~s referred to in the definition of “eligible support structure” and “existing tower or base station,” any structure built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated tower site. ~~(Added 4-8-15)~~

Townhouse. “Townhouse” means o~~O~~ne of a series of attached single-family dwelling units, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof.

Transient Lodging. “Transient lodging” means l~~L~~odging in which guest rooms are occupied for less than ~~thirty~~ (30) consecutive days. ~~(Added 6-6-12)~~

Transmission line, gas or oil. ~~The term “g”~~Gas or oil transmission line” means: (1) a pipeline that conveys gas or oil for the purpose of supplying gas or oil to a system including, but not limited to, the pipelines owned and operated by the City of Charlottesville extending from the Columbia Gas Transmission System at the Buck Mountain Gate Station to the City of Charlottesville’s Route 29 Substation; or (2) a pipeline that conveys gas or oil, any portion of which is within the rural areas (RA) zoning district or within a public right-of-way abutting such district, serving as a common source of supply directly from a system station or substation to: (i) two or more distribution lines within the County ~~of Albemarle~~, the City of Charlottesville, or the Town of Scottsville; or (ii) one or more distribution lines located within a county abutting the County ~~of Albemarle~~. For purposes of this definition, the term

“distribution line” means a pipeline other than a transmission line serving as a common source of supply directly from a transmission line to a service line, or a pipeline that serves as a service line. For purposes of this definition, the term “service line” means a pipeline other than a transmission line that distributes gas or oil from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold, and which ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter. Any nonconforming transmission lines existing on February 2, 2005 shall be deemed to be distribution lines for the purpose of repair, reconstruction or replacement but not for extension or enlargement. ~~(Added 4-19-00; Amended 2-2-05)~~

~~*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 home.~~

Treatment works. “Treatment works” means aAny device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be: (i) an integral part of the treatment process; or (ii) used for ultimate disposal of residues or effluents resulting from such treatment. ~~(Added 7-11-12)~~

Treetop facility. “Treetop facility” means aA personal wireless service facility consisting of a self-supporting monopole having a single shaft of wood, metal or concrete no more than ten ~~(10)~~ feet taller than the crown of the tallest tree within ~~twenty five (25)~~ feet of the monopole, measured above sea level (ASL), and includes associated antennas, mounting structures, an equipment cabinet and other essential personal wireless service equipment. ~~(Added 10-13-04)~~

Triplex, Quadruplex. “Triplex” and “quadruplex” mean aA multiple-family dwelling or series of attached single-family dwellings containing in either case three ~~(3)~~ or four ~~(4)~~ dwelling units, respectively.

Turnaround. “Turnaround” means aAn area for vehicles to reverse movement at the end of a street or travelway. ~~(Added 10-3-12, effective 1-1-13)~~

Two-Family Dwelling. “Two-family dwelling” means aA structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

Use. “Use” means ~~t~~The purpose for which any land, water, or structure is devoted or occupied, or any activity performed on land, water or in a structure. ~~(Added 10-3-01)~~

Use buffer. “Use buffer” means an unimproved 20 foot to 30 foot area that separates Rural Areas or residentially zoned properties from commercial or industrial uses, or both, and includes screening pursuant to County Code § 18-32.7.9.

Usual and customary use, event or activity. “Usual and customary use, event, or activity” means A a use, event, or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that is both ordinary and commonly practiced or engaged in at farm wineries, farm breweries, farm distilleries, or agricultural operations, as applicable, within the Commonwealth, as determined by objective evidence. ~~(Added 11-12-14)~~

Value-added products. “Value-added products” means raw agricultural products that have been altered to enhance their value through baking, bottling, canning, carving, churning, cleaning, drying, freezing, weaving, or other similar processes. (Added 5-5-10)

Variance. “Variance” means a reasonable deviation from those provisions regulating the size or area of a lot, or the size, area, bulk or location of a structure when the strict application of this chapter would result in unnecessary or unreasonable hardship to the land owner, and the need for the variance would not be shared generally by other lots, and provided that the variance is not contrary to the intended spirit and purpose of this chapter, and would result in substantial justice being done. (Added 10-3-01)

Virginia Code. The term “Virginia Code” means the Code of Virginia, 1950, as amended, including the latest edition or supplement unless otherwise indicated. References in this chapter to the “Code of Virginia” and the “Code” are to the Virginia Code. (Added 7-1-09)

Visible. “Visible” means, for the purpose of sign regulations, that which is capable of being seen, whether or not legible, by a person of normal visual acuity.

Warehousing, Light. Storage establishments designed to accommodate primarily individual households, not intended for use by heavy commercial users and not involving frequent heavy trucking.

Wall sign. “Wall sign” means a sign, other than a projecting sign, that is painted on, printed on, or attached to, a wall of a building and parallel to the wall, is located on a fake mansard, or is a canopy sign or a marquee sign. See Figure I following County Code § 18-4.15.3.

Warning sign. “Warning sign” means a sign that provides a warning or a notice to persons on, or entering upon, the premises on which the sign is located including, but not limited to, signs stating that solicitations, hunting, fishing or trespassing is prohibited, that a dog is present on the property, and that the property is protected by a security or alarm system.

Watercourse. “Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically, and includes specifically designated areas in which substantial flood damage may occur.

Water-dependent facility. The term “water-dependent facility” means facilities that cannot exist outside of the flood hazard overlay district and must be located on the shoreline because of the intrinsic nature of its operation and which include, but are not limited to: (i) the intake and outfall structures of power plants, sewage treatment plants, water treatment plants, and storm sewers; (ii) public water-oriented recreation areas; and (iii) boat docks and ramps.

Water or sewer connection. “Water connection” or “sewer connection” means the provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

Water, sewer, energy, and communications distribution facilities. “Water, sewer, energy, and communications distribution facilities” means facilities that are: (i) electric, gas, oil and communication facilities, including their monopoles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility, but excluding their towers and excluding personal wireless service facilities; (ii) water distribution and sewer collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority; or (iii) central water supplies and central sewage systems in conformance with Chapter 16 and all other applicable laws, except as otherwise expressly provided. (Added 4-3-13)

Wayside Stand, Roadside Stand, Wayside Market. (Repealed 5-5-10)

Wholesale Business. “Wholesale business” means aAn establishment for the sale and distribution of goods and merchandise to a retailer for resale as opposed to sale directly to the public. (Added 12-2-87)

Width of Lot. “Width of lot” means the average horizontal distance between side lot lines.

Window sign. “Window sign” means a permanent or temporary sign affixed to the interior or exterior of a window or door, or within three (3) feet of the interior of the window or door; provided that the display of goods available for purchase on the premises is not a window sign.

Wooded Area, Forested Area. “Wooded area” or “forested area” means aAn area containing one of the minimum number of trees of specified size, or combinations thereof, from the following table:

Diameter of Tree at Breast Height	Per Acre	Per One- Half Acre
3.0" - 4.9" 60	30	
5.0" - 6.9" 38	19	
7.0" - 8.9" 22	11	
9.0" - 10.9" 14	7	
11.0" - 12.9"	10	5
13.0" - 14.9"	7	4
15.0"+ 5	3	

Yard. “Yard” means aAn open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

~~*Yard, Front:* An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.~~

~~*Yard, Rear:* An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps), the rear line of the lot and extending the full width of the lot.~~

~~*Yard, Side:* An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.~~

~~*Zero lot line.* The term “z” “Zero lot line” means the location of a detached dwelling unit or portion thereof on a lot in such a manner that one of the sides of the dwelling unit rests less than the distance to the side lot line otherwise required in the district and may rest directly on that side lot line. (Added 6-11-08)~~

~~*Zero lot line development.* The term “z” “Zero lot line development” means a subdivision reviewed and approved by the county as a single-family detached residential or mixed use development that uses zero lot lines, and in which a minimum separation of ten feet between detached dwelling units is maintained. (Added 6-11-08)~~

Zone A. “Zone A” means, for floodplain management purposes a special flood hazard area that is subject to inundation by the one percent annual chance flood event (one hundred year flood) where detailed hydraulic analyses have not been performed and no base flood elevations or flood depths are shown.

Zone AE or A1-30. “Zone AE” or “Zone A1-30” mean, for floodplain management purposes, a special flood hazard area that is subject to inundation by the one percent annual chance flood event (one hundred year flood) determined by detailed methods where base flood elevations are shown. Zone AE is the designation replacing Zone A1-30 on new and revised Flood Insurance Rate Maps.

Zone AH. “Zone AH” means, for floodplain management purposes, a special flood hazard area that is subject to inundation by one percent annual chance (one hundred year flood) shallow flooding, usually areas of ponding, where average depths are one to three feet and base flood elevations derived from detailed hydraulic analyses are shown.

Zone AO. “Zone AO” means, for floodplain management purposes, a special flood hazard area that is subject to inundation by one percent annual chance (one hundred year flood) shallow flooding, usually sheet flow on sloping terrain, where average depths are one to three feet and average flood depths derived from detailed hydraulic analyses are shown.

Zoning ~~a~~Administrator. The term “Zoning ~~a~~Administrator” means the officer designated to administer and enforce this chapter, or ~~his or her~~ their designee. (~~Added 7-1-09~~)

Zoning map amendment. “Zoning map amendment” means ~~a~~An amendment to the zoning map, which may include changing the boundaries of one or more districts or the district classification of one or more parcels; also sometimes referred to as a “rezoning.” (~~Added 12-5-12, effective 4-1-13~~)

Zoning text amendment. “Zoning text amendment” means ~~a~~An amendment to the regulations of this chapter, which may include amending, changing or supplementing the regulations. (~~Added 12-5-12, effective 4-1-13~~)

State law reference – Va. Code § 15.2-2286(A)(4).

Sec. 3.2 Rules of construction; general.

This chapter protects paramount public interests and shall be liberally construed to effectuate its several purposes. In addition to the rules of construction set forth in Albemarle County Code § 1-102, the following rules of construction apply to the construction of this chapter, unless the application would be contrary to the purposes of this chapter or the context clearly indicates otherwise:

- A. All references to any statute, regulation, guideline, handbook, manual, or standard are to that statute, regulation, guideline, manual, handbook, or standard as it exists on June 5, 2019, and includes any amendment thereafter or reissue in a subsequent edition.
- B. The word “current” means the point in time at which a matter is under consideration and shall not mean the date of adoption of the most recent amendment to this chapter.
- C. The word “days” means calendar days except where the regulation refers to “business days.”
- D. The word “maintain” or “maintenance” also includes repair, replace and reconstruct.
- E. The word “street,” when not preceded by either “public” or “private,” means either a public street or a private street.
- F. All references to the “director of community development,” the “director of planning,” the “building official,” the “county engineer,” and the “zoning administrator” include his or her designees.
- G. All references to the “owner” include, in the appropriate context, the applicant or the permittee.
- H. All distances and areas shall be measured in a horizontal plane unless otherwise expressly provided.

- I. All provisions requiring that improvements be designed or constructed to prescribed standards, or otherwise comply with delineated standards, refer to the minimum standard and nothing in this chapter shall prohibit an improvement from exceeding the standard.
- J. Any word or phrase used in this chapter that is not defined in County Code § 18-3.1 shall be defined as it is defined in Virginia Code § 15.2-2201. If the word or phrase also is not defined in Virginia Code § 15.2-2201, the meaning of the word or phrase shall be defined as it is in other chapters of this Code if the word or phrase is used in the same context, and if it is not defined therein, by resort to other sources determined to be appropriate.

State law reference – Va. Code § 15.2-2286(A)(4).

Sec. 3.3 Rules of construction; district regulations.

The district regulations set forth in County Code §§ 18-10 through 18-30.7 shall be applied as follows:

- A. *Inclusive.* The primary uses permitted in any zoning district are only those expressly delineated in the district regulations as permitted uses by right or by special use permit. The express identification in the district regulations of prohibited uses does not imply that any use not expressly prohibited is permitted.
- B. *Requirements or minimum or maximum.* The requirements of the district regulations in this chapter are the minimum or maximum requirements, as applicable.
- C. *Uniform application.* The requirements of the district regulations shall be applied uniformly for each class of use or structure throughout each district.
- D. *Uses and structures may be established only in compliance with applicable regulations.* Each primary or accessory use or structure may be established only in compliance with all applicable district regulations and with all other applicable regulations of this chapter. If the use requires a license, permit or other approval from the state or federal government, the use may not be occupied or begin operations without the required approval.

2.3 REGULATIONS CONFLICTING WITH OTHER LOCAL OR STATE OR FEDERAL LAWS

- E. *Conflicts.* Whenever provisions within this chapter conflict with any local, state or federal statute or regulation with respect to requirements or standards, the most severe or stringent requirement or standard shall prevail.
- F. *Proffers.* For purposes of this section, a ~~Any~~ proffer heretofore accepted by the ~~b~~Board of ~~s~~Supervisors in accordance with Virginia Code § 15.2-2296 *et seq.*, ~~shall be~~ is continued in effect and shall be construed to be a “local regulation” until amended or varied by the ~~b~~Board of ~~s~~supervisors in accordance with law, regardless of the repeal of any previous zoning ordinance. (Amended 7-11-07)

State law reference – Va. Code § 15.2-2282, 15.2-2286(A)(4).

...

Article II. Basic Regulations

Section 4. General Regulations

...

4.12.6 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR SCHEDULED USES

Except when alternative parking is approved as provided in section 4.12.8, the following schedule shall apply to determine the number of required off-street parking spaces to be provided in a particular situation. If a particular use is not scheduled, then section 4.12.7 shall apply.

...

Campground: One (1) space per campsite; for group campsites, adequate parking space shall be provided for buses as determined by the zoning administrator.

Church (Repealed 8-9-17)

Child ~~care~~ day center: One (1) space per ten (10) children enrolled in the major class or shift plus one (1) space per employee. In addition, a pick-up and drop-off area shall be provided on the site. (Amended 2-5-03)

...

Dance Hall (Repealed 2-5-03)

Day care center, nursery facilities: ~~One (1) space per ten (10) children enrolled in the major class or shift plus one (1) space per employee. In addition, a pick-up and drop-off area shall be provided on the site. (Amended 2-5-03)~~

Dental clinic: One (1) space per one hundred seventy-five (175) square feet of net floor area. (Added 2-5-03)

...

Multi-family units, including ~~duplexes two-family dwellings~~, single family attached, and townhouses, but excluding student suites:

Number of <u>Bedrooms/Unit</u>	Parking <u>Spaces/Unit</u>
Any unit of 500 square feet or less	1.25
One (1) bedroom	1.50
Two (2) or more bedrooms	2.00

In addition, if parking is provided on individual lots, such as for duplexes and single family attached townhouses, rather than in lots or bays that are shared by all units in the development, then one (1) guest space per four (4) units shall be provided.

Student suites: One and one-quarter (1 1/4) spaces per bedroom.

Multi-family dwellings for the elderly: One and one-quarter (1 1/4) spaces per unit plus one (1) space per employee on the largest shift; provided that for a ~~congregate care~~ an assisted living facility, one (1) space per unit plus one (1) space per employee on the largest shift.

Eating Establishment (Repealed 2-5-03)

Fast Food Restaurant (Repealed 2-5-03)

...

Schools: The number of proposed spaces shall be shown in a parking study submitted by the school division (public schools) or the school (private schools). The number of required spaces shall be determined by the zoning administrator. In making the determination, the zoning administrator shall consider the recommendations in the parking study, traffic generation figures either known to the industry or estimated by the Institute of Transportation Engineers, peak parking demands, and other relevant information. (Amended 2-5-03)

Service industry: One (1) space per 50 square feet of net office floor area. (Added 2-5-03)

...

4.15.3 DEFINITIONS AND QUALIFICATIONS

The following definitions shall apply in the interpretation and implementation of this section 4.15:

Access road. The term “access road” means a public or private street that is not a through street or provides frontage to fewer than ten (10) parcels. (Added 6-4-14)

Address sign. The term “address sign” means a sign containing the address of a structure or a site.

Advertising vehicle. The term “advertising vehicle” means a motor vehicle, trailer or semitrailer (collectively, “vehicle”) that has a permanent or temporary sign affixed, painted on or placed upon it, including a sign that alters the vehicle’s manufacturer’s profile; provided that a temporary sign affixed to an employee’s private vehicle during his or her working hours is not an advertising vehicle. (Amended 8-9-17)

Agricultural product sign. The term “agricultural product sign” means a sign or signs identifying the produce, crops, animals or poultry raised or quartered on the property, or identifying farm sales, a farm stand, a farmers’ market, or a farm winery. (Added 3-16-05; Amended 5-5-10)

Animated sign. The term “animated sign” means a sign that moves or a sign that changes lighting by any mechanical, electrical or other device.

Auction sign. The term “auction sign” means a sign that advertises an auction to be conducted.

Awning. The term “awning” means a covering attached to a structure, erected on or over a window or door, and typically supported by a metal frame.

Awning sign. The term “awning sign” means a type of projecting sign that is painted or printed on, or attached to, the surface of an awning.

Banner. The term “banner” means a type of temporary sign that is not a pennant, consisting of a piece of fabric or other flexible material, suspended from a fixed structure, rope, wire, string or cable. (Amended 3-16-05)

Billboard. The term “billboard” means a type of freestanding off site sign containing copy that is commercial speech that exceeds thirty two (32) square feet in sign area.

Bonus tenant panel. The term “bonus tenant panel” means an additional sign permitted for individual tenants in shopping centers or planned developments containing copy that is commercial speech and which may be added to a freestanding sign. (Added 3-14-12)

Bundle sign. The term “bundle sign” means a type of freestanding off site sign that identifies two or more establishments or sites that are not part of a planned development district and which share a common entrance or access road. (Added 6-4-14)

Canopy. The term “canopy” means a permanent structure, or part thereof, that has a roof with support but no walls, and is intended as to provide shelter.

Canopy sign. The term “canopy sign” means a type of wall sign that is attached to the fascia of a canopy. A canopy sign shall not extend above or below the edge of the canopy’s fascia. See Figure I following this section.

Construction sign. The term “construction sign” means a sign that identifies a construction project and/or an architect, contractor, subcontractor, material supplier or lending institution participating in the construction project.

Copy. The term “copy” means the letters, figures, designs, devices, pictures, projected images, symbols, fixtures, colors, logos, emblems, or insignias, or any part or combination thereof, displayed on a sign face.

Cornice line. The term “cornice line” means the location of a cornice along the top of a wall; or, for a wall that has no cornice, the corresponding horizontal line along the top of a wall where a cornice would traditionally be located. In all cases, the “cornice line” applies to the main walls of a building and does not apply to features that extend above the top of the main walls of a building. (Added 3-14-12)

Directional sign, off site. The term “off site directional sign” means a type of freestanding off site sign that directs vehicular or pedestrian traffic, or both. (Added 6-4-14)

Directional sign, on site. The term “on site directional sign” means a type of on site freestanding or wall sign that directs vehicular or pedestrian traffic, or both, that is not erected at the road entrance to the development, and includes, but is not limited to, a sign that has non electric changeable copy enclosed in a casement covered by a transparent material. See Figure I following this section.

Electric message sign. The term “electric message sign” means a sign on which the copy can be changed or altered by electric, electro-mechanical, or electronic means, but does not include an electric message sign to display fuel prices and having copy that does not change more than once per day at an establishment at which gasoline or diesel fuel is dispensed. (Amended 3-14-12)

Erect. The term “erect” means, in the appropriate context, to affix, construct, hang, install, locate, paint, place, or print.

Establishment. The term “establishment” means a public or private institution or a place of business; for purposes of this definition, the number of franchises held by an automobile dealership shall not be relevant to the determination as to what is an establishment.

Fascia. The term “fascia” means one or more of the vertical faces of the roof of a canopy or structure.

Flag. The term “flag” means a sign consisting of a piece of fabric or other flexible material attached to a flag pole, light pole, or mount as provided in this section 4.15. (Amended 3-16-05)

Flag, commercial. The term “commercial flag” means a flag containing copy that is commercial speech.

Flag, noncommercial. The term “noncommercial flag” means a flag containing copy that has no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words, or logos related to a specific business, product, or service, and does not represent the official symbol of a national, state, or local government.

Flashing sign. The term “flashing sign” means an illuminated sign of which all or part of the illumination is flashing or intermittent, or changing in degrees of intensity, brightness or color.

~~*Freestanding sign.* The term “freestanding sign” means a permanent sign that is supported from the ground and not attached to another structure. See Figure I following this section.~~

~~*Home occupation sign.* The term “home occupation sign” means a sign on the premises of a dwelling unit that has an authorized Class B or major home occupation that does not exceed four (4) square feet in sign area and only states the name of the person occupying the dwelling and identifies the product or service offered by the home occupation. (Amended 1-12-11)~~

~~*Illuminated sign.* The term “illuminated sign” means a sign, or any part of a sign, that is deliberately illuminated by an external or internal light source.~~

~~*Maintain.* The term “maintain” means cleaning, painting, repairing, or replacing defective parts of a sign in a manner that does not alter in any way, however slight, the copy, design, or the structure of the sign.~~

~~*Marquee.* The term “marquee” means a fixed covering that projects over an entrance to a theater or other building.~~

~~*Marquee sign.* The term “marquee sign” means a type of wall sign incorporated in or attached to a marquee, and that may have changeable copy.~~

~~*Menu sign.* The term “menu sign” means a type of freestanding or wall sign designed and located to be read from an authorized drive-through lane.~~

~~*Moving sign.* The term “moving sign” means a sign, any part of which moves by means of an electrical, mechanical or other device, or that is set in motion by wind.~~

~~*Nonconforming sign.* The term “nonconforming sign” means a lawful sign existing on the effective date of this section 4.15 that does not comply with the requirements for the use, the structure, or both, contained herein.~~

~~*Off-site sign.* The term “off-site sign” means: (i) if it is within a district other than a planned development district, a sign that is not located on the same lot with the use to which it pertains, but does not include a sign located in a public right of way; or (ii) if it is within a planned development district, a sign that is not located within the area depicted on the application plan approved for the planned development, but does not include a sign located in a public right of way. An off-site sign shall count toward the number and square footage for the sign type allowed on the lot on which the sign is located. (Added 3-14-12; Amended 6-4-14)~~

~~*On-site sign.* The term “on-site sign” means: (i) a sign containing copy that is commercial speech that is located on the same lot as the establishment to which it pertains; (ii) a sandwich board sign that is located on county-owned right of way abutting the lot on which the establishment to which it pertains is located; and (iii) every sign containing copy that is exclusively noncommercial speech.~~

~~*Opaque background.* The term “opaque background” means the portion of sign face that lies behind the message portion of the sign, and is made of a material through which light cannot pass when the sign is internally illuminated at night. (Added 5-12-10)~~

~~*Pennant.* The term “pennant” means a series of two (2) or more sections of a piece of fabric or other flexible material that is generally triangular and tapering, suspended from a fixed structure, rope, wire, string or cable and designed to move in the wind and including, but not limited to, streamers and tinsel. (Amended 3-16-05)~~

Permanent sign. The term “permanent sign” means a sign that is permanently installed in the ground or permanently affixed to a structure that is permanently installed in the ground that is intended to be displayed indefinitely and authorized in sections 4.15.5 and 4.15.7, if applicable, or, if the permanent sign is not required to obtain a sign permit under section 4.15.5, as provided in sections 4.15.0, 4.15.10, and 4.15.11.

Projecting sign. The term “projecting sign” means a sign, other than a wall sign, that is attached to a structure but which is not mounted parallel to the structure’s wall surface, and includes, but is not limited to, an awning sign. A projecting sign shall not be mounted either: (i) on the fascia of a canopy; or (ii) such that the projecting sign extends, in whole or in part, above the top of the wall structure. See Figure I following this section.

Public sign. The term “public sign” means a sign that is erected and maintained by the county, or the state or federal government, or an authority thereof containing copy that is exclusively governmental speech.

Rare gas illumination. The term “rare gas illumination” means a sign using a rare gas such as neon, argon, helium, xenon, or krypton in a glass tube for illumination. (Added 3-16-05)

Real estate sign. The term “real estate sign” means a sign that is used to advertise the sale, lease, rental, development or other use of the property on which the sign is located.

Roof sign. The term “roof sign” means a sign erected on a structure that extends, in whole or in part, above the top of the wall of the structure; provided that a sign located on a fake mansard is not a roof sign, but is a wall sign.

Sandwich board sign. The term “sandwich board sign” means an A-frame sign with two (2) faces that is periodically placed directly in front of the establishment that it advertises. Sandwich board signs shall be subject to the following: (1) the sign shall not exceed four (4) feet in height, two (2) feet in width and eight (8) square feet of area per sign face; (2) if the sign is placed on a sidewalk or any other public pedestrian right of way, it shall be placed in a location that provides a contiguous and unobstructed pedestrian passageway at least three (3) feet wide; (3) the sign shall not be located in any required off-street parking space, driveway, access easement, alley or fire lane; (4) the sign shall not be illuminated; (5) the sign shall be removed during non business hours; and (6) if the sign is located on county owned right of way abutting the establishment, prior to placement of the sign, the owner shall agree to indemnify and hold harmless the county against any claim or liability arising from the placement of the sign, and the agreement shall be in a form and have a substance approved by the county attorney. (Added 1-13-10)

Sign. The term “sign” means any object, device or structure, or any part thereof including the sign face and the sign structure, visible from beyond the boundaries of the lot on which it is located, and which has copy containing commercial speech, noncommercial speech, or governmental speech. The term “sign” does not include: (i) a flag representing the official symbol of a national, state, or local government; (ii) works of art in which creative skill or imagination is expressed in a visual form, such as a painting or a sculpture, intended to beautify or provide an aesthetic influence, and which contains no copy containing commercial speech; and (iii) architectural elements incorporated into the style or function of a structure. (Amended 3-16-05)

Sign area. The term “sign area” means the area of a sign face within the smallest square, circle, rectangle, triangle, or combination thereof, that encompasses the extreme limits of the copy, together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed.

Sign face. The term “sign face” means the area or display surface that contains copy.

~~*Sign structure.* The term “sign structure” means the supports, uprights, bracings, and framework of any structure, regardless of whether it is single faced, double faced, V type or otherwise, used to exhibit a sign. See Figure I following this section.~~

~~*Speech, commercial.* The term “commercial speech” means speech that is an expression related solely to the economic interests of the speaker and its audience.~~

~~*Speech, governmental.* The term “governmental speech” means speech that is a message of the government.~~

~~*Speech, noncommercial.* The term “noncommercial speech” means speech that is neither commercial speech nor governmental speech.~~

~~*Subdivision sign.* The term “subdivision sign” means a type of freestanding sign erected at the entrance of a residential development containing copy that is noncommercial speech.~~

~~*Temporary sign.* The term “temporary sign” means a sign that is displayed for only a limited period of time authorized in section 4.15.6 or, if the temporary sign is not required to obtain a temporary sign permit under section 4.15.6, as provided in sections 4.15.09, 4.15.10, and 4.15.11. (Amended 3-16-05; 5-6-15)~~

~~*Visible.* The term “visible” means that which is capable of being seen, whether or not legible, by a person of normal visual acuity.~~

~~*Wall sign.* The term “wall sign” means a sign, other than a projecting sign, that is painted on, printed on, or attached to, a wall of a building and parallel to the wall, is located on a fake mansard, or is a canopy sign or a marquee sign. In order to be eligible to have a wall sign, the establishment shall have an exterior wall. See Figure I following this section.~~

~~*Warning sign.* The term “warning sign” means a sign, that is not a public sign, that provides a warning or a notice to persons on, or entering upon, the premises on which the sign is located including, but not limited to, signs that guide vehicular or pedestrian traffic within, but not at the entrance of a development, identify hazards and possibly dangerous conditions, ensure public safety, or are required by law to be erected.~~

~~*Window sign.* The term “window sign” means a permanent or temporary sign affixed to the interior or exterior of a window or door, or within three (3) feet of the interior of the window or door; provided that the display of goods available for purchase on the premises is not a window sign. (Amended 3-16-05)~~

~~(§ 4.15.03, 12-10-80; 7-8-92, § 4.15.03, Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(1), 1-13-10; Ord. 10-18(3), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(2), 3-14-12; Ord. 14-18(3), 6-4-14; Ord. 15-18(3), 5-6-15; § 4.15.3; Ord. 15-18(11), 12-9-15; Ord. 17-18(4), 8-9-17)~~

~~State law reference—Va. Code § 15.2-2280.~~

...

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

The maximum number of signs permitted, sign area, and sign height, and the minimum sign setback are as follows for each sign within the Rural Areas (RA), Monticello Historic District (MHD), Village Residential (VR), Residential (R-1, R-2, R-4, R-6, R-10, and R-15) and Planned Residential Development (PRD) districts:

...

- b. In addition to the signs in the table, the following signs may be erected;
1. *Address signs.* Up to three address signs per lot or establishment composed of: (i) one address sign attached to each official United States Postal Service mailbox; (ii) one address sign attached or printed on a building for each address; and (iii) one additional address sign.
...
 9. *Real estate signs.* One real estate sign per lot on which either the lot or any structure thereon, or any portion thereof, is for sale, lease, rent, or development, provided that the sign does not exceed thirty-two (32) square feet in sign area.
 10. *Sandwich board signs.* One sandwich board sign per establishment ~~that does not exceed eight (8) square feet. One sandwich board sign per establishment, provided that if the sign is placed on a sidewalk or any other public pedestrian right-of-way, it shall be placed in a location that provides a contiguous and unobstructed pedestrian passageway at least three feet wide; the sign shall not be located in any required off-street parking space, driveway, access easement, alley or fire lane; the sign shall not be illuminated; and the sign shall be removed during non-business hours~~
 11. *Warning signs.* Warning signs as required by law or as determined to be necessary to protect public health or safety.
...

4.17.3 DEFINITIONS

~~The following definitions shall apply in the implementation and enforcement of these outdoor lighting regulations:~~

~~*Decorative luminaire with full cutoff optics.* (Repealed 10-17-01)~~

~~*Full cutoff luminaire.* The term “full cutoff luminaire” means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.~~

~~*High intensity discharge lamp.* The term “high intensity discharge lamp” means a mercury vapor, metal halide, or high pressure sodium lamp, and for purposes of this section 4.17, a low pressure sodium lamp.~~

~~*Initial lumens.* (Repealed 10-17-01)~~

~~*Lamp.* The term “lamp” means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb and includes an arrangement of light emitting diodes (“LED”). (Amended 10-11-17)~~

~~*Lumen.* The term “lumen” means a standard unit of measurement of luminous flux.~~

~~*Luminaire.* The term “luminaire” means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.~~

~~*Outdoor luminaire.* The term “outdoor luminaire” means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.~~

~~(Ord. 98-18(1), 8-12-98; Ord. 01-18(8), 10-17-01; Ord. 17-18(5), 10-11-17)~~

...

4.18.02 DEFINITIONS

The following definitions shall apply to this section 4.18. The definitions of any sound-related term not defined herein shall be obtained from the American Standard Terminology if defined therein.

~~“A” weighted sound level.~~ The term “A-weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network expressed as dB(A) or dBA.

~~*Acoustic calibrator.* The term “acoustic calibrator” means an instrument which measures the accuracy of a sound level meter.~~

~~*Agricultural activity.* The term “agricultural activity” means a lawfully permitted activity pertaining to horticulture, viticulture, or gardening including, but not limited to: tilling soil for raising crops; keeping livestock, poultry, or both; operating agricultural industries or businesses, including, but not limited to, orchards, fruit packing plants, dairies, nurseries, farm sales, farm stands and farmers’ markets; or any combination of the foregoing activities.~~

~~*Ambient sound.* The term “ambient sound” means the sound derived from all sound associated with a given environment, being usually a composite of sounds from many sources.~~

~~*Daytime.* The term “daytime” means that period of a day beginning at 7:00 a.m. and ending at 10:00 p.m., each day of the week.~~

~~*Decibel.* The term “decibel” means a unit for measuring the volume of a sound equal to twenty times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.~~

~~*Emergency operation.* The term “emergency operation” means any emergency service provided by any police, sheriff, fire or fire and rescue department, any ambulance service or any other emergency service requiring a prompt response, and any emergency repair of public facilities or public utilities.~~

~~*Equivalent sound level (Leq).* The term “equivalent sound level” means the average sound level accumulated over a given period of time. The equivalent sound level is the A-weighted sound level corresponding to a steady state sound level containing the same total sound energy as the time-varying signal over a given period of time, determined using a sound level meter as set forth in the American National Standards for Sound Level Meters.~~

~~*Impulse sound.* The term “impulse sound” means any sound of short duration with an abrupt onset and rapid decay. This includes but is not limited to explosions, drum beats, drop forge impacts, discharge of firearms and one object striking another.~~

~~*Nighttime.* The term “nighttime” means that period of a day beginning at 10:00 p.m. and ending at 7:00 a.m., each day of the week.~~

~~*Noise.* The term “noise” means any sound which violates the sound level standards of this section 4.18, but does not include any sound which is exempt pursuant to section 4.18.05.~~

~~*Place of public entertainment.* The term “place of public entertainment” means a building or other place used primarily as a cinema, theater, amphitheater, concert hall, public hall, dance hall, restaurant or other place of entertainment open to the public, but not including a music festival authorized by a special use permit, regardless of whether the payment of money or other consideration is required for admission.~~

~~*Person.* The term “person” means any natural person, association, partnership, corporation or other legal entity.~~

~~*Property line.* The term “property line” means an imaginary line along the ground surface which separates the real property owned by one person from another.~~

~~*Public facility.* The term “public facility” means a structure or use which may be publicly or privately owned or operated and which is generally open to the public, and includes but is not limited to schools, libraries, parks, hospitals and uses of a similar character.~~

~~*Receiving zone.* The term “receiving zone” means the zoning classification of the property receiving the noise, as shown on the official zoning maps. For property which is located within another jurisdiction, the zoning administrator shall determine the comparable zoning category, and be guided in making the determination by the actual use of the property. The receiving zones shall include property with the zoning classifications set forth below:~~

- ~~a. *Commercial receiving zone.* A commercial receiving zone is property zoned commercial (C-1), commercial office (CO), highway commercial (HC), planned development—shopping centers (PDSC), planned development—mixed commercial (PDMC), the commercial areas of a planned unit development (PUD), and any other commercial zoning district.~~
- ~~b. *Industrial receiving zone.* An industrial receiving zone is property zoned light industrial (LI), highway industrial (HI), planned development—industrial park (PDIP), the industrial areas of a planned unit development (PUD), and any other industrial zoning district.~~
- ~~c. *Public space or institutional receiving zone.* A public space or institutional receiving zone is property determined by the zoning administrator to be a public facility or an institution.~~
- ~~d. *Rural areas and residential receiving zone.* The rural areas and residential receiving zone is that property zoned rural areas (RA), village residential (VR), residential (R-1, R-2, R-4, R-6, R-10, and R-15), planned residential development (PRD), the residential area of a planned unit development (PUD), the portions of the University of Virginia located within Albemarle County, and any other rural or residential zoning district.~~

~~*Sound level meter.* The term “sound level meter” means an instrument used for making sound level measurements which meets the requirements of the American National Standards Institute Type II rating.~~

~~*Source sound level.* The term “source sound level” means the equivalent sound level of the source being measured.~~

~~*Total sound level.* The term “total sound level” means the equivalent sound level of the source being measured and ambient sound before correction to determine the source sound level.~~

~~(Ord. 00-18(3), 6-14-00; Ord. 13-18(4), 9-4-13)~~

~~State law reference—Va. Code § 15.2-2280.~~

Section 5. Supplementary Regulations

...

5.1.06 ~~DAY~~ CHILD DAY CENTERS

Each ~~day child day care~~ center shall be subject to the following:

- a. *State licensure.* Each ~~day child day care~~ center shall acquire and maintain the required licensure from the Virginia Department of Social Services. The owner or operator of the ~~day child day care~~ center shall provide a copy of the license to the zoning administrator. The owner or operator's failure to provide a copy of the license to the zoning administrator shall be deemed to be willful noncompliance with the provisions of this chapter.
- b. *Inspections by fire official.* The Albemarle County fire official is authorized to conduct periodic inspections of the ~~day child day care~~ center. The owner or operator's failure to promptly admit the fire official onto the premises to conduct an inspection in a manner authorized by law shall be deemed to be willful noncompliance with the provisions of this chapter.
- c. *Relationship to other laws.* The provisions of this section are supplementary to all other laws and nothing herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.

...

5.1.29 ~~CONVENT~~, MONASTERY

- a. These regulations shall apply to monasteries, convents, and other religious communities as defined in this chapter. The ownership of the ~~convent~~ monastery shall conform in all respects to the provisions of Chapter 2 of Title 57 of the Code of Virginia, as the same may be amended from time to time, or any successor statute;
- b. This provision is intended to accommodate the long term residency of nuns, monks or friars in a communal setting as opposed to transient occupancy as may be experienced in other religious retreats; provided that nothing contained herein shall be deemed to preclude temporary lodging of guests as an accessory use to the convent or monastery.

...

5.1.42 HISTORICAL CENTERS

Each historical center shall be subject to the following:

...

- g. *Accessory uses.* Not more than ten percent (10%) of the total floor area of a historical center structure may be devoted to uses other than the educational and interpretive activities provided in subsection (f). A floor plan shall be submitted with the special use permit application to ensure that this requirement is met. Accessory uses may include, but are not limited to, ~~administrative offices,~~ and shops, and facilities such as gift shops, book stores, and accessory food sales such as luncheonettes, snack bars, or refreshment stands.

...

5.2 HOME OCCUPATIONS IN ZONING DISTRICTS OTHER THAN THE RURAL AREAS ZONING DISTRICT

Each home occupation authorized in a zoning district other than the rural areas zoning district shall be subject to the following:

...

- h. *Prohibited home occupations.* The following uses are prohibited as home occupations: (1) tourist lodging; (2) assisted living or skilled nursing facilities; (3) ~~nursery schools~~; (4) ~~day care centers~~; child care day centers; and (54) private schools.

5.2A HOME OCCUPATIONS IN THE RURAL AREAS ZONING DISTRICT

Each home occupation authorized in the rural areas zoning district shall be subject to the following:

...

1. *Prohibited home occupations.* The following uses are prohibited as home occupations: (1) any use requiring a special use permit under section 10.2.2; (2) animal rescue centers; (3) junkyards ~~automobile graveyards~~; (4) restaurants; (5) storage yards; (6) gun sales, unless the guns are made on-site by one or more family members residing within the dwelling unit; (7) on-site pet grooming; (8) body shops; (9) equipment, trailers, vehicles or machinery rentals; (10) shooting ranges; (11) commercial stables; (12) rummage or garage sales other than those determined by the zoning administrator to be occasional; (13) veterinary clinics or hospitals; (14) pyrotechnic (fireworks or bomb) device manufacturing or sales; and (15) any other use not expressly listed that is determined by the zoning administrator to be contrary to the purpose and intent of section 5.2A.

...

Article III. District Regulations

Section 9. Guidelines For Comprehensive Plan Service Areas

...

9.2 WHERE PERMITTED

Service areas may be established through usage of one or more conventional and/or planned development zoning districts in accord with guidelines of section 9.0 and the comprehensive plan at appropriate locations within areas designated as the urban area, communities and villages in the comprehensive plan consistent with the following criteria:

NON-RESIDENTIAL LAND USE GUIDELINES

CRITERIA	VILLAGE AND NEIGHBORHOOD SERVICE AREAS	COMMUNITY SERVICE AREAS	REGIONAL SERVICE AREAS	INDUSTRIAL SERVICE AREAS	OFFICE SERVICE AREAS	OFFICE/ REGIONAL SERVICE AREAS
Acreage	1-5	5-30	+30	+5	+20	+200
Gross Floor Area in square feet	40,000 maximum, no single use to exceed 4,000. No outdoor display or storage.	250,000 maximum, no single use to exceed 65,000. Outdoor display/storage to be screened.	+250,000 minimum. Control outdoor display/storage to be screened.	Not limited.	150,000 minimum, combined area.	Regional Service uses not to exceed 15% of gross floor area for primary Office Service uses.

Access	Collector road convenient to development	Major collector	Major collector or arterial with interior circulation	Major collector or arterial with interior circulation	Major collector or arterial with interior circulation	Major collector or arterial with interior circulation
Purpose/intent	Convenience services, purchase of non-durable goods and services	Durable goods, general retail and services	Comparison shopping and specialized goods and services	General industry	Employment centers with limited production activities and marketing of products	Mixed employment/retail/commercial centers
Typical primary uses	<ul style="list-style-type: none"> -Convenience shopping -Day Child care -General market -Banks and finance -Restaurant -Drug store -Service station -Offices -Other general retail and services -Medical and professional offices 	<ul style="list-style-type: none"> -Supermarket -Service station & auto repair -Variety/discount store -General retail -Department store -Self-storage -Building supply -Furniture and appliance -Nursery & greenhouse -Theater -Recreational facility -Neighborhood Service uses -Medical and professional offices, clinics -Compatible Regional Services users 	<ul style="list-style-type: none"> -Major department store -Auto dealer and mobile home sales -Motel/hotel -Hospital -Community Service uses -Offices 	<ul style="list-style-type: none"> -Manufacturing -Warehousing -Distribution -Publishing -Laboratories 	<ul style="list-style-type: none"> -Corporate/major office parks -Research/development -Information systems 	<ul style="list-style-type: none"> -All Office Service and Regional Service primary uses
Secondary Residential Uses	Accessory apartment and attached housing	Attached units and medium density multi-family in planned development concept	High density multi-family in planned development concept	None	Attached units and/or multi-family in planned development concept	Attached units and/or multi-family in planned development concept
Other Secondary Uses		-Warehousing	-Warehousing	<ul style="list-style-type: none"> -Offices -Supporting commercial 	<ul style="list-style-type: none"> -Supporting commercial -Motel/hotel/conference 	<ul style="list-style-type: none"> -All Office Service and Regional Service secondary uses

*Note: 15% limitation exclusive of motel/hotel/conference use

Section 10. Rural Areas District, RA

...

Sec. 10.2.1 By right.

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

1. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 10.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 10.3.
2. Side-by-side ~~duplexes~~ two-family dwellings subject to the provisions of section 10.4; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.

...

Sec. 10.2.2 By special use permit.

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

1. Community center (reference 5.1.04).

...

7. ~~Day~~ Child day care centers (reference 5.1.06).

8. (Repealed 3-5-86)

9. Manufactured home subdivisions (reference 5.5).

10. (Repealed 11-11-92)

11. (Repealed 3-15-95)

12. Horse show grounds, permanent.

- ~~13. Custom slaughterhouse.~~

14. Sawmills, planing mills and woodyards (reference 5.1.15 and subject to performance standards in 4.14).

...

28. Divisions of land as provided in section 10.5.2.1.

29. Boat ~~landings and canoe~~ livery.

30. Permitted residential uses as provided in section 10.5.2.1.

...

Sec. 10.3.3.1 Definitions.

The following definitions shall apply to any rural preservation development created under section 10.3.3:

- a. ~~Development Lot:~~ A lot within a rural preservation development, other than a rural preservation tract, created for the purpose of residential or other permitted usage.
- b. ~~Rural Preservation Development:~~ A subdivision of land consisting of development lots together with a rural preservation tract.
- c. ~~Rural Preservation Tract:~~ A lot, the usage and diminishment of which is restricted and protected by legal arrangements to insure its maintenance and preservation for the purpose of preservation of agricultural and forestal land and activity; water supply protection; and/or conservation of natural, scenic or historic resources.

(§ 20 10.3.3.1, 11-8-89; § 18 10.3.3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01)

...

Section 11. Monticello Historic District, MHD

...

Sec. 11.3.1 By right.

The following uses shall be permitted by right in the MHD:

...

5. Cemeteries.
6. Detached single-family dwellings, including guest cottages and rental of the same.
7. Side-by-side ~~duplexes~~ two-family dwellings, provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.

Sec. 11.3.2 By special use permit.

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

1. (Repealed 4-7-11)
 2. Private helistop (reference Section 5.1.01).
- ...
6. Home occupations Class B.
 7. Boat landings and canoe livery.
 8. Farm winery uses, events, and activities authorized by section 5.1.25(c)(3), provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.

...

Section 12. Village Residential – VR

...

Sec. 12.2.1 By right.

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

1. Detached single-family dwellings.
2. Side-by-side ~~duplexes~~ two-family dwellings provided that density is maintained and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.

...

Sec. 12.2.2 By special use permit.

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

...

6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. ~~Day care, c~~Child care or ~~nursery facility center~~ center (reference 5.1.06).
8. (Repealed 3-5-86)

...

Section 13. Residential - R-1

...

13.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-1 district, subject to the applicable requirements of this chapter: (Amended 5-5-10)

...

6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. ~~Day care, c~~Child care or ~~nursery facility center~~ center (reference 5.1.06).
8. Manufactured home subdivisions (reference 5.5).

...

Section 14. Residential - R-2

...

14.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-2 district, subject to the applicable requirements of this chapter: (Amended 5-5-10)

...

6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. ~~Day care, e~~Child care or ~~nursery facility center~~ center (reference 5.1.6).
8. Manufactured home subdivisions (reference 5.5).

...

Section 15. Residential - R-4

...

15.2.1 BY RIGHT

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

1. Detached single-family dwellings.
2. Side-by-side ~~duplexes~~ two-family dwellings provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, and townhouses, ~~atrium houses and patio houses~~ provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

...

15.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-4 district, subject to the applicable requirements of this chapter: (Amended 5-5-10)

...

6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. ~~Day care, e~~Child care or ~~nursery facility center~~ center (reference 5.1.6).
8. Manufactured home subdivisions (reference 5.5).

...

Section 16. Residential - R-6

...

16.2.1 BY RIGHT

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

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as ~~duplexes~~ two-family dwellings, triplexes, quadraplexes, and townhouses, ~~atrium houses and patio houses~~ provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

...

16.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-6 district, subject to the applicable requirements of this chapter: (Amended 5-5-10)

...

6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. ~~Day care, c~~Child care or ~~nursery facility center~~ (reference 5.1.06).
8. Manufactured home subdivisions (reference 5.5).

...

Section 17. Residential - R-10

...

17.2.1 BY RIGHT

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

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as ~~duplexes~~ two-family dwellings, triplexes, quadraplexes, and townhouses, ~~atrium houses and patio houses~~ provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

...

17.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-10 district, subject to the applicable requirements of this chapter: (Amended 5-5-10)

1. Community center (reference 5.1.04).
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.02).

3. Fire and rescue squad stations (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.
6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. ~~Day care, c~~Child care or nursery facility center (reference 5.1.06).
8. Manufactured home subdivisions (reference 5.5).
9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).
10. Hospitals.
11. ~~Professional o~~Offices.
12. Retail stores and shops on a single floor, compatible with the residential characteristics of the district, with a gross floor area not exceeding four thousand (4,000) square feet.

...

Section 18. Residential - R-15

...

18.2.1 BY RIGHT

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

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as ~~duplexes~~ two-family dwellings, triplexes, quadraplexes, and townhouses, ~~atrium houses and patio houses~~ provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

...

18.2.2 BY SPECIAL USE PERMIT

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

1. Community center (reference 5.1.4).
- ...
6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
 7. ~~Day care, c~~Child care or nursery facility center (reference 5.1.6).

8. Manufactured home subdivisions (reference 5.5).
9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).
10. Hospitals.
11. ~~Professional~~ Offices.
12. Retail stores and shops on a single floor, compatible with the residential characteristics of the district, with a gross floor area not exceeding four thousand (4,000) square feet.

...

Section 19. Planned Residential Development – PRD

...

19.3.1 BY RIGHT

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

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as ~~duplexes~~ two-family dwellings, triplexes, quadraplexes, and townhouses, ~~atrium houses and patio houses~~ provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

...

19.3.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the PRD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use as shall be included in the original PRD rezoning petition: (Amended 5-5-10)

1. ~~Day care, e~~ Child day care center or nursery facility (reference 5.1.06).
8. Swim, golf, tennis or similar athletic facilities (reference 5.1.16). (Added 9-13-89)
9. ~~Professional~~ Offices. (Added 6-8-94)
10. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

...

Section 20. Planned Unit Development – PUD

...

20.3.1 BY RIGHT

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

1. Detached single-family dwellings.
3. Semi-detached and attached single-family dwellings such as ~~duplexes~~ two-family dwellings, triplexes, quadraplexes, and townhouses, ~~atrium houses and patio houses~~ provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.

...

20.3.2 BY SPECIAL USE PERMIT

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

1. ~~Day care, e~~Child day care center ~~or nursery facility~~ (reference 5.1.06).

...

Section 20a. Neighborhood Model – NMD

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20A.8 MIXTURE OF USES

There shall be a mixture of uses within each NMD as follows:

- a. Each district shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two (2) housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) ~~duplexes~~ two-family dwellings; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and skilled nursing facilities.

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Section 20B. Downtown Crozet District - DCD

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20B.2 PERMITTED USES

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

...

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

1. Religious assembly use. (Amended 8-9-17)
2. Clubs, lodges (reference 5.1.02).
3. Conference centers, outdoor auditoriums, public art or kiosks.

4. Cultural arts centers.
5. ~~Day~~ Child day care centers (reference 5.1.06).

...

Section 21. Commercial Districts - Generally

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21.7 MINIMUM YARD REQUIREMENTS

The minimum yard requirements in the commercial districts are as follows:

- a. *Adjacent to streets.* The minimum and maximum front yards shall be as provided in section 4.20.
- b. *Adjacent to residential, rural areas, or the Monticello Historic districts.* If the abutting lot is zoned residential, rural areas, or the Monticello Historic district, the minimum and maximum side and rear yards shall be as provided in section 4.20.
- c. *~~Use Buffer zone~~ adjacent to residential and rural areas districts.* For the purpose of this subsection, a use buffer shall not be required when a commercial zone is across a street from a residential or rural area district. No construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the use buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

...

Section 22. Commercial - C-1

...

22.2.1 BY RIGHT

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

...

- b. The following services and public establishments:
 1. ~~Administrative, professional o~~ffices.
 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~~ Child day care centers (reference 5.1.06).
- ...
- 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~~ Restaurants.
- ...

22.2.2 BY SPECIAL USE PERMIT

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

- ...
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~~ Restaurants.
- ...

Section 23. Commercial Office - CO

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23.1 INTENT, WHERE PERMITTED

CO districts are hereby created and may hereafter be established by amendment to the zoning map to permit development of administrative, ~~business and professional~~ offices and supporting accessory uses and facilities. This district is intended as a transition between residential districts and other more intensive commercial and industrial districts.

23.2 PERMITTED USES

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 o~~ffices, including medical, dental and optical.
3. Financial institutions.
- ...
11. ~~Temporary nonresidential mobile homes~~ Industrialized buildings (reference 5.8).
12. ~~Day care, e~~Child day care center ~~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~~ Restaurants, 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.
- ...

23.2.2 BY SPECIAL USE PERMIT

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

17. Manufacturing/Processing/Assembly/Fabrication/Recycling.
18. ~~Eating establishments~~ Restaurants not served by either public water or an approved central water supply, provided that the ~~eating establishment~~ restaurant complies with the accessory use requirements of subsection 23.2.1(6).

Section 24. Highway Commercial - HC

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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.

...

20. Hotels, motels and inns.
21. ~~Light warehousing~~ Self-service storage facilities.
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~~ Offices.
29. Office and business machines sales and service.
30. (Repealed 2-6-19).
31. Retail nurseries and greenhouses.

...

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.

...

24.2.2 BY SPECIAL USE PERMIT

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

...

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.

...

Section 26. Industrial Districts - Generally

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26.5 MINIMUM YARDS

The minimum yard requirements in the industrial districts are as follows:

- a. *Adjacent to streets.* The minimum and maximum front yards shall be as provided in section 4.20.
- b. *Adjacent to district other than commercial or industrial district.* If the abutting lot is zoned residential, rural areas, or the Monticello Historic district, the minimum and maximum side and rear yards shall be as provided in section 4.20.
- c. *~~Use buffer zone~~ adjacent to district other than commercial or industrial district.* For the purpose of this subsection, a use buffer shall not be required when a commercial or industrial district zone is across a street from a residential or rural area district. No construction activity, including grading or clearing vegetation (collectively, “disturbance”), shall occur within thirty (30) feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer shall submit an illustration showing the existing screening without disturbance and the screening that would be installed after the disturbance, and disturbance shall be allowed only if the screening installed after the disturbance is equal to or exceeds the screening existing prior to disturbance.
- d. *Special exception to disturb use buffer abutting district other than a commercial or industrial district.* The board of supervisors may authorize a disturbance in the use buffer required to be maintained under subsection (c) by special exception. The board shall consider whether disturbance is necessary or would result in an improved site design, provided that: (i) minimum screening requirements are met; and (ii) existing landscaping in excess of minimum requirements is substantially restored.

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Section 30. Overlay Districts

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30.2.3 DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this section 30.2:

(1) ~~AIA noise impact area.~~ The term “AIA noise impact area” means all land within the 65 DNL contour as delineated on the Existing Noise Contours Map (2003). (Amended 6-8-05)

(2) ~~Airport protection area.~~ The term “airport protection area” means the imaginary conical, horizontal, transitional and approach surfaces as delineated and/or described on the Airport Airspace Drawing Part 77. (Amended 6-8-05)

(3) ~~Primary surface.~~ The term “primary surface” means a surface longitudinally centered on a runway. The primary surface for Runway 3-21 extends two hundred (200) feet beyond each end and is one thousand (1,000) feet wide. The elevation of the primary surface is the same as the elevation of the nearest point on the runway centerline. (Amended 6-8-05)

(4) ~~Runway protection zone.~~ The term “runway protection zone” means an area at ground level underlying a portion of the FAR Part 77 imaginary runway approach surface and extending to a point on the ground where the elevation of the approach surface reaches fifty (50) feet above the runway end elevation. The runway protection zone is trapezoidal in shape and centered about the extended runway centerline, with dimensions for a particular runway end defined by the type of aircraft and approach visibility minimum associated with that runway end. The runway protection zone typically begins two hundred (200) feet beyond the end of the runway area usable for takeoff and landing, and extends from the ends of the primary surface. At the Charlottesville-Albemarle Airport, the dimensions of the runway protection zone for Runway 3 are one thousand (1,000) feet (inner width), one thousand seven hundred fifty (1,750) feet (outer width) and two thousand five hundred (2,500) feet (length); the dimensions of the runway protection zone for Runway 21 are one thousand (1,000) feet (inner width), one thousand five hundred ten (1,510) feet (outer width) and one thousand seven hundred (1,700) feet (length). (Added 6-8-05)

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(5) ~~Safety area.~~ The term “safety area” means the airport primary surface and the runway protection zone at each end of the runway as shown on the Airport Lay-Out Plan. (Amended 6-8-05)

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30.3.5 DEFINITIONS.

The following definitions shall apply in the interpretation and implementation of section 30.3:

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

~~Base flood:~~ The flood having a one (1) percent chance of being equaled or exceeded in any given year, and also referred to as the “one hundred year flood.”

~~Base flood elevation:~~ The water surface elevation of the base flood in relation to the datum specified on

~~the county's Flood Insurance Rate Map or the elevation determined pursuant to section 30.3.13(C).~~

~~*Basement:* Any area of a building having its floor sub-grade (below ground level) on all sides.~~

~~*Conditional Letter of Map Revision (CLOMR):* A formal review and comment by the Federal Emergency Management Agency as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to the delineation of special flood hazard areas, but which does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.~~

~~*Development:* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~

~~*Elevated building:* A building without a basement built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).~~

~~*Encroachment:* The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.~~

~~*Existing manufactured home park or subdivision:* Any manufactured home park or subdivision lawfully approved and recorded before the effective date of the Flood Insurance Rate Map or before January 1, 1975 for Flood Insurance Rate Maps effective before that date.~~

~~*Existing structure:* Any structure for which the "start of construction" commenced before the effective date of the Flood Insurance Rate Map or before January 1, 1975 for Flood Insurance Rate Maps effective before that date.~~

~~*Flood or flooding:* Either (i) a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, the unusual and rapid accumulation or runoff of surface waters from any source; or mudflows which are proximately caused by flooding from unusual and rapid accumulation or runoff of surface waters from any source, and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or (ii) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding from the overflow of inland waters.~~

~~*Flood Insurance Rate Map (FIRM):* A map of the county on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable within the county.~~

~~*Flood Insurance Study (FIS):* A report by the Federal Emergency Management Agency that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.~~

~~*Floodplain:* Any land area susceptible to being inundated by water from any source.~~

~~*Flood proofing:* Any combination of structural and non-structural additions, changes, or adjustments to~~

~~structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~*Floodplain impact plan.* A plan prepared by a professional engineer or other professional of demonstrated qualifications, and submitted to the floodplain administrator in sufficient detail as provided in the Design Standards Manual to allow him to conduct a complete review of the impacts to the floodplain that may be caused by an encroachment, wherein the plan is composed of hydrologic and hydraulic analyses performed in accordance with standard engineering practices and demonstrating that a proposed encroachment will not result in an increase in water surface elevation or a change in boundaries of the base flood above that allowed in the particular zone within the county during the occurrence of the base flood discharge, and studies, analyses, computations, and the plan preparer's certification that the technical methods used correctly reflect currently accepted technical concepts.~~

~~*Floodway, regulatory:* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.~~

~~*Floodway fringe:* The portion of the floodplain subject to a one (1) percent or greater chance of flooding in any given year that lies between the regulatory floodway and the outer limits of the special flood hazard area depicted on the Flood Insurance Rate Map.~~

~~*Freeboard:* A factor of safety usually expressed in feet above a flood level for purposes of floodplain management, for the primary purpose of compensating for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed, all of which, in turn, may allow flood insurance premiums to be reduced below that which they might otherwise be.~~

~~*Freeboard elevation.* The base flood elevation plus one (1) foot.~~

~~*Habitable space.* An enclosed area having more than twenty (20) linear feet of finished walls composed of, but not limited to, drywall, paneling, lath and plaster, or used for any purpose other than solely for parking of vehicles, building access, or storage.~~

~~*Highest adjacent grade:* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

~~*Historic structure:* Any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a Secretary of the Interior approved State inventory of historic places; or (iv) individually listed on a county inventory of historic places under a county historic preservation program that has been certified by an approved State program as determined by the Secretary of the Interior.~~

~~*Hydrologic and hydraulic analyses:* Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and the Federal Emergency Management Agency, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.~~

~~*Letter of Map Change (LOMC):* An official Federal Emergency Management Agency determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study in the form of a Letter of Map Amendment, a Letter of Map Revision, or any other similar official Federal Emergency Management Agency determination made by letter.~~

~~*Letter of Map Amendment (LOMA):* An amendment based on technical data showing that a parcel, site or structure was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a particular parcel or site as described by metes and bounds, or a structure, is not located in a special flood hazard area.~~

~~*Letter of Map Revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and regulatory floodway delineations, and planimetric features.~~

~~*Letter of Map Revision Based on Fill (LOMR F):* A revision based on technical data making the determination that a parcel, site or structure has been elevated by fill, authorized and placed in accordance with section 30.3 and all other requirements of this chapter, above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood.~~

~~*Lowest floor:* The lowest floor of the lowest enclosed area (including basement) of a building, provided that an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, and further provided that the enclosed area is not built so as to render the building in violation of the applicable non-elevation design requirements of section 30.3.15 and 44 CFR §60.3.~~

~~*Manufactured home:* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and, for floodplain management purposes, includes park trailers, travel trailers, and other similar vehicles placed on a site for longer than one hundred eighty (180) consecutive days, but does not include a recreational vehicle.~~

~~*Manufactured home park or subdivision:* A parcel or site divided into two or more manufactured home lots for rent or sale.~~

~~*New construction:* For floodplain management purposes, new construction means structures for which the start of construction commenced on or after December 16, 1980 and includes any subsequent improvements to such structures.~~

~~*Post FIRM structures:* A structure for which construction or substantial improvement lawfully occurred on or after December 16, 1980.~~

~~*Pre FIRM structures:* A structure for which construction or substantial improvement lawfully occurred before December 16, 1980.~~

~~*Recreational vehicle:* A vehicle which is: (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projection; (iii) designed to be self propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~*Repetitive loss structure:* A building covered by a contract for flood insurance that has incurred flood-related damage on two (2) occasions during a ten (10) year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty five (25) percent of the market value of the building at the time of each flood event.~~

~~*Shallow flooding area:* A special flood hazard area with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident, and where the flooding may be characterized by ponding or sheet flow.~~

~~*Special flood hazard area:* The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year and which may be designated as Zone A on the Flood Hazard Boundary Map and, after detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map, designated as Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, or AR/A.~~

~~*Start of construction:* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days after the date the permit was issued; provided that: (i) "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation; (ii) "permanent construction" does not include land preparation, such as clearing, grading and filling, nor the installation of streets or walkways, or both; nor any excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor the installation on the site of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure; and further provided that, for a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~*Structure:* For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.~~

~~*Substantial damage:* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.~~

~~*Substantial improvement:* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement and includes structures which have incurred substantial damage regardless of the actual repair work performed; provided that the term does not include: (i) any project for improvement of a structure to correct existing violations of state or county health, sanitary, or safety code regulations which have been identified by the zoning administrator, the building official or any other code enforcement officer and which are the minimum necessary to assure safe living conditions; or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

~~*Water dependent facility:* Facilities that cannot exist outside of the flood hazard overlay district and must be located on the shoreline because of the intrinsic nature of its operation and which include, but are not limited to: (i) the intake and outfall structures of power plants, sewage treatment plants, water treatment plants, and storm sewers; (ii) public water-oriented recreation areas; and (iii) boat docks and ramps.~~

~~*Watercourse:* A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically, and includes specifically designated areas in which substantial flood damage may occur.~~

~~Zone A. A special flood hazard area that is subject to inundation by the one (1) percent annual chance flood event (one hundred year flood) where detailed hydraulic analyses have not been performed and no base flood elevations or flood depths are shown.~~

~~Zone AE or A1-30. A special flood hazard area that is subject to inundation by the one (1) percent annual chance flood event (one hundred year flood) determined by detailed methods where base flood elevations are shown. Zone AE is the designation replacing Zone A1-30 on new and revised Flood Insurance Rate Maps.~~

~~Zone AH. A special flood hazard area that is subject to inundation by one (1) percent annual chance (one hundred year flood) shallow flooding, usually areas of ponding, where average depths are one to three feet and base flood elevations derived from detailed hydraulic analyses are shown.~~

~~Zone AO. A special flood hazard area that is subject to inundation by one percent annual chance (one hundred year flood) shallow flooding, usually sheet flow on sloping terrain, where average depths are one to three feet and average flood depths derived from detailed hydraulic analyses are shown.~~

~~(§ 30.3.02.1 (part), 12-10-80; 6-10-87; Ord. 05-18(1), 1-5-05, effective 2-5-05; § 30.3.5; Ord. 14-18(1), 3-5-14; Ord. 17-18(4), 8-9-17)~~

~~State law reference — Va. Code § 15.2-2286.~~

~~Federal law reference — 44 CFR § 59.11.~~

...

30.3.11 PERMITTED AND PROHIBITED USES AND STRUCTURES

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

...

Flood and Water Related Uses and Structures*		
Flood warning aids and devices, water monitoring devices, and similar uses	BR	BR
Flood control, stormwater conveyance, or environmental restoration projects which: (i) are designed or directed by the county, a soil and water conservation district, or a public agency authorized to carry out flood control or environmental restoration measures; or (ii) are reviewed and approved by the department of community development in accordance with the Water Protection Ordinance and with no changes to the base floodplain elevation or horizontal limits to the flood plain	BR	BR
Dams, levees and other structures for flood control or for the public drinking water supply	SP	SP
Engineered structures, including, but not limited to, retaining walls and revetments made of non-natural materials such as concrete which are constructed along channels or watercourses for the purpose of water conveyance or flood control	SP	SP
Water related uses such as boat docks and canoe boat liveryes	SP	SP
Hydroelectric power generation (reference 5.1.26)	SP	SP

...

Article IV. Procedure

Section 32. Site Plan

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32.7.9.8 TREE CANOPY

The tree canopy required to be established and maintained is subject to the following:

...

c. *Calculating the area of the site.* For the purposes of calculating the area of the site to determine the minimum tree canopy coverage under subsection (a), the area of the site shall be its gross acreage less, at the option of the developer, one or more of the following on the site:

1. Farm land or other areas devoid of wooded areas on June 20, 1990.
2. Recreation areas required under section 4.16.
3. Open space areas required under section 4.7.
4. Land dedicated to public use.
5. Playing fields and recreation areas provided at schools, ~~day~~ child day centers, and other similar uses.

...

Section 35. Fees

...

35.1 Fees.

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

...

b. Special use permits:

1. Additional lots under section 10.5.2.1, public utilities, ~~day child day care~~ center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1,075.00
2. Additional lots under section 10.5.2.1, public utilities, ~~day~~ child day center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$538.00

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	_____	_____