

FINAL ACTIONS
Planning Commission Meeting of December 11, 2012

<u>AGENDA ITEM/ACTION</u>	<u>FOLLOW-UP ACTION</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 6:00 p.m. by Mr. Morris, Chair. PC members present were Mr. Morris, Mr. Lafferty, Vice-Chair; Mr. Dotson, Mr. Franco, Mr. Loach, Mr. Randolph and Mr. Smith. Ms. Monteith was absent. • Staff present was Brent Nelson, Sarah Baldwin, Amelia McCulley, Ron Higgins, Wayne Cilimberg, Sharon Taylor, and Greg Kamptner. 	
<p>2. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • None 	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • None
<p>3. Committee Reports</p> <ul style="list-style-type: none"> • None 	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • None
<p>4. Review of Board of Supervisors Meeting – December 5, 2012</p> <p>Mr. Cilimberg reviewed the Board’s December 5, 2012 meeting actions.</p> <p>Mr. Lafferty noted as an item of interest the Army Corps of Engineers is not going to accept the Environmental Impact Statement that VDOT has submitted on the proposed US 29 By Pass.</p>	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • None.
<p>5. Item Requesting Deferral</p> <p><u>SP-2012-00010 Sieg Special Events</u> PROPOSAL: Special use permit for Special Events (weddings, rehearsal dinners, and other celebrations) to be located at existing family property. ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) SECTION: Chapter 18 Section 10.2.2.50 of the Albemarle County Code, which allows for Special events (reference 5.1.43) COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 2 - Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots) ENTRANCE CORRIDOR: No LOCATION: 1291/1293 Hammocks Gap Road TAX MAP/PARCEL: 06300-00-00-02900 MAGISTERIAL DISTRICT: Rivanna (Chris Perez)</p> <p>DEFERRED, by a vote of 7:0, SP-2012-000010 to February 5, 2012 as per the applicant’s request.</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letters – Deferred SP-2012-00010 to February 5, 2013 as requested by applicant. • Schedule for PC Meeting on February 5, 2013.
<p>6. Public Hearing Items</p> <p><u>SP-2012-00013 Kenridge</u> PROPOSED: Amendment to SP-2009-06 to change the approved conditions. Modification to conditions to allow changes to the exterior building materials. Approved uses remain unchanged. ZONING CATEGORY/GENERAL USAGE: CO Commercial Office - offices, supporting commercial and service uses; and</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of SP-2012-00013 Kenridge with staff’s recommended amended condition nine (9) as shown in Attachment 1 and the expectation of an 18th condition that addresses neighbor concerns regarding height to

<p>residential use by special use permit (15 units/acre) SECTION: 23.2.2(9) R-15 residential-15 units/acre ENTRANCE CORRIDOR: Yes COMPREHENSIVE PLAN LAND USE/DENSITY: Office Service - office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) and Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots) in Neighborhood 7. LOCATION: North side of Ivy Road (Route 250 West across from Birdwood Golf Course) Approximately 1/2 mile west of the intersection of Ivy Road and the 29/250 By-pass. TAX MAP/PARCELS: 60K/A1, A2, B1, B2, B3, 60K/1-47, 49-61 MAGISTERIAL DISTRICT: Samuel Miller (Brent Nelson)</p> <p>RECOMMEND APPROVAL OF SP-2011-00013, by a vote of 7:0, with staff’s recommended conditions as shown in Attachment 1 and the expectation of an 18th condition based on the work of staff with the applicant and the adjacent neighbors regarding the height concern expressed.</p>	<p>be developed before the Board of Supervisors meeting.</p> <ul style="list-style-type: none"> • The request will go before the Board of Supervisors on a date to be determined.
<p>7. <u>ZTA-2012-00013 Industrial Uses in the Commercial Districts</u> Amend Secs. 3.1, Definitions, 20.3.1, By right, 20.3.2, By special use permit, 20A.6, Permitted uses, 20B.2, Permitted uses, 22.2.1, By right, 22.2.2, By special use permit, 23.2.1, By right, 23.2.2, By special use permit, 24.2.1, By right, 24.2.2, By special use permit, 25.2.1, By right, 25.2.2, By special use permit, 25A.2.1, By right, 25A.2.2, By special use permit; of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the regulations by updating terminology for several use classifications in all of the above-referenced sections; deleting the “medical center” use classification in the Downtown Crozet (20B.2) and Commercial (22.2.1) districts with the use to be absorbed into the “office” or “hospital” classifications; adding Laboratories/Research and Development/Experimental Testing and Manufacturing/Processing/Assembly/ Fabrication and Recycling as by right uses up to 4000 sq. ft. and requiring a special exception to exceed 4000 sq. ft. (22.2.1) and adding Storage/Warehousing/Distribution/Transportation as a special use (22.2.2) in the Commercial district; adding Laboratories/Research and Development/Experimental Testing as a by right use up to 4000 sq. ft. and requiring a special exception to exceed 4000 sq. ft. (23.2.1) and adding Manufacturing/Processing/Assembly/ Fabrication and Recycling and Storage/Warehousing/Distribution/ Transportation as special uses (23.2.2) in the Commercial Office district; and adding Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/Assembly/ Fabrication and Recycling and Storage/Warehousing/Distribution/Transportation as by right uses up to 4000 sq. ft. and requiring a special exception to exceed 4000 sq. ft. (24.2.1) in the Highway Commercial district. These uses would also be allowed in those planned districts (20A.6, 25.2.1, 25A.2.1 and 25A.2.2) that cross-reference uses allowed in the commercial districts. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County</p>	<p><u>Clerk:</u></p> <ul style="list-style-type: none"> • Action Letter – Recommend approval of ZTA-2012-00013 as shown in Attachment 2. • The request will go before the Board of Supervisors on February 13, 2013.

<p>Office Building, 401 McIntire Road, Charlottesville, Virginia. (Sarah Baldwin)</p> <p>RECOMMEND APPROVAL OF ZTA-2012-00013, by a vote of 7:0, of the Resolution of Intent (Attachment A) and approval of ZTA-2012-00013 (Attachment C) as shown in Attachment 2.</p>	
<p>8. Old Business</p> <ul style="list-style-type: none"> • None 	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • None
<p>9. New Business</p> <ul style="list-style-type: none"> • THE NEXT PLANNING COMMISSION MEETING WILL BE HELD ON TUESDAY, DECEMBER 18, 2012. 	<p><u>Staff:</u></p> <ul style="list-style-type: none"> • None
<p>10. Adjourn</p> <ul style="list-style-type: none"> • Adjourn to December 18, 2012, 6:00 p.m., Room 241, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia. • The meeting was adjourned at 6:57 p.m. 	

Attachment 1 – SP-2012-00013 Kenridge – Recommended Conditions of Approval

Attachment 2 – ZTA-2012-00013 Industrial Uses in the Commercial Districts – Recommended Conditions of Approval

**Attachment 1 –
SP-2012-00013 Kenridge –
Recommended Conditions of Approval**

The Planning Commission recommends approval of SP-2012-00013, Kenridge with staff's recommended amended condition nine (9) as included in the following conditions and the expectation of an 18th condition that addresses neighbor concerns regarding height to be developed before the Board of Supervisors meeting.

1. The approved final site plan shall be in general accord with the revised Conceptual Plan prepared by Collins Engineering, revision date August 25, 2009 ("Conceptual Plan") (See Attachment). Parking for the office use shall be limited to the area and number of spaces shown on the Conceptual Plan. If additional parking is required for the office use, an amendment of this special permit shall be required;
2. There shall be a minimum front yard of two hundred seventy-five (275) feet between the southern-most structure (the "Main House") and the property line adjacent to Route 250 as shown on the Conceptual Plan; side and rear yards shall be as shown on the Conceptual Plan;
3. All streets on the property connecting to adjacent properties as shown on the Conceptual Plan shall be constructed by the applicant to an urban section with the intent that such streets on the property connecting to adjacent properties will be built to a standard consistent with the connecting street on the White Gables property. All streets and pedestrian accesses shall be constructed to a standard acceptable to the County Engineer in accordance with the highlighted sections of Attachment A, revised and dated August 30, 2005 and initialed as CTG;
4. The connecting road extending from the former ITT property (Tax Map 60, Parcel 28) and across the Kenridge property to its entrance at Ivy Road, as shown on the Conceptual Plan, shall be established as a private street in conjunction with the final subdivision plat or site plan. As a condition of final subdivision plat or site plan approval, the applicant shall grant all easements deemed necessary by the Director of Community Development to assure the public's right to use the connecting road for purposes of ingress to and egress from Tax Map 60, Parcel 28;
5. The applicant shall comply with all requirements of the VDOT related to design and construction of the entrance to the property, as shown on the Conceptual Plan, and shall pay its pro rata share of the cost for signalization of this infrastructure contributed by traffic from the development as follows:
 - (a) Prior to the issuance of a building permit, the applicant shall place funds in escrow or provide other security ("security") acceptable to the County in an amount equal to its pro rata share of the cost of the signal which amount shall be calculated by the Director of Community Development in the year in which the security is provided. The security shall continue so that it is available to pay for the cost of the signal until ten (10) years after the date of approval of this special use permit; security provided that is not in an interest-bearing account shall be annually renewed, and the amount of the security shall be adjusted each year according to the consumer price index, as determined by the Director of Community Development; and
 - (b) If, at any time until ten (10) years after the date of approval of this special use permit, VDOT authorizes in writing the installation of the signal, and VDOT and the County's Engineer approve the signal's installation before the applicant has obtained a building permit, the County may demand payment of the applicant's pro rata share of the cost of the traffic signal, and the applicant shall pay its pro rata share of the cost to the County within thirty (30) days of that demand.
6. Screening adjacent to the railroad right-of-way and along the west and east sides of the project shall be provided and maintained as depicted on the Conceptual Diagram of Perimeter Screen and Privacy Planting, dated May 12, 2005, by Charles J. Stick, attached as Attachment B. The continuous evergreen trees noted as Leyland Cypress Hedge along the north, east and west sides of the project shall be installed at ten (10) feet to twelve (12) feet in height after lot grading but prior to issuance of a building permit for any dwelling unit construction. The Leyland Cypress Hedge also shall be planted on eight (8) foot centers. Underground irrigation shall be provided for all the planting areas. Screening deemed acceptable to the Director of Community Development shall be provided adjacent to the railroad to mitigate the impact of this development on adjacent property and the impact of the railroad on this development;
7. Prior to any alteration or demolition of any building, a reconnaissance level documentation to include black and white photographs and a brief architectural description shall be provided to the satisfaction of the County's Historic Preservation Planner;
8. Regardless of the ownership of the open space and amenities, they shall be made available for use by all residential and commercial units in the development;
9. As shown on exhibit "Kenridge Amendment to SP 200900006 Condition #9", prepared by Kirk Hughes & Associates, latest revision date October 19, 2012:

- I.) For all attached single family buildings, future, existing or the reconstruction thereof, consisting of Lots 1 through 60 and lying within Zones A, B, and C (See Attachment "C") the following apply:
- a.) Front facing exteriors shall consist of gable and/or hip roofs with red brick to the roof line. (See Attachments E-1 and E-2)
 - b.) Side facing exteriors shall consist of gable and/or hip roofs with red brick to the full eave return and/or roof line (See Attachment E-2). As an alternative to red brick, white composite siding is permissible above said full eave return to the roof line.
 - c.) Rear facing exteriors shall be red brick from the ground floor to the roof line except as follows (See Attachment E-3):
 - i.) Lot 19 shall be red brick from the ground floor to the first floor. White composite siding is permitted from the first floor to the roof line.
 - ii.) Lots 30, 31, and 32 shall be red brick from the ground floor to the second floor. White composite siding is permitted from the second floor to the roof line.
- II.) The exteriors of all detached residences for Lots 61 through 65 shall be red brick from ground to the roof line. The Cottage as indicated on Attachment "C", Zone B shall be white painted brick.
- III.) Sunrooms, bay or box windows, front entryways and dormers are permissible non-brick features and may consist of red brick and/or white composite siding or the combination thereof. Front entryways are defined as that portion of the building within the covered porch area facing the street. (See Attachments E-1, E-2, and E-3)
- IV.) The exterior of the Manor House and Cottage (See Attachment "C") shall be white painted brick.
- V.) Exterior materials for all buildings within Zone A, (See Attachment "C") shall be reviewed and approved by the Architectural Review Board and by the Director of Planning or their designee before the issuance of a building permit.
10. Exterior roof surfaces shall be constructed of either copper or synthetic slate;
 11. The new villa and town home units shall include garden improvements, generally as depicted on the Front Garden Diagram, dated August 24, 2005, by Charles J. Stick, Landscape Architect (See Attachment D). Maintenance of these areas shall be provided for and required by the Homeowner's Association which shall be set forth in the Covenants for this development. The decorative walls, steps and walks shall be constructed of either brick or stone;
 12. To ensure the retention of the majority of the existing trees in the two hundred seventy-five (275) foot front yard setback described in Condition 2 (located between the main house and the Route 250 West Entrance Corridor), the applicant shall submit for review and approval by the County's Design Planner a tree conservation plan prepared by a state certified arborist that meets the requirements of Section 32.7.9.4 of the Zoning Ordinance. This plan shall be required for all erosion and sediment control plans, site plans, and subdivision plats;
 13. The site wall immediately adjacent to Route 250 West shall be included on all drawings that include its context. All grading, road alignments, turning lanes, and other improvements shall be adjusted to insure that impacts to the wall only include closing the existing entrance and adding a single entrance. Notes shall be included on the grading, site plans and subdivision plats that state: "The existing site wall shall remain. Disturbance shall be limited to the closure of the existing entrance and the opening of the proposed entrance into the site." Any changes to the wall shall be minimal and articulated to blend with the character of the existing wall to the satisfaction of the Architectural Review Board. Prior to the issuance of any building permits in the final block, the stone pillars shall be replaced at the new entrance from Route 250;
 14. The design of all single family detached residences, including but not limited to colors, roofing, siding and foundation material selections, shall be coordinated with the Architectural Review Board-approved designs of the attached residential units, as determined by the Design Planner;
 15. The owner agrees to voluntarily contribute a sum of three thousand dollars (\$3,000) cash per new dwelling unit to the County for funding affordable housing programs [including the Housing Trust Fund]. The cash contribution shall be paid at the time of the issuance of the Building Permit for such new unit. The acceptance of this special use permit by the owner shall obligate the owner to make this contribution;
 16. Pedestrian access deemed acceptable by the Director of Community Development shall be provided to the Manor Home and Carriage House; and
 17. With the exception of the entrance road, all streets within the development shall conform to the neighborhood model matrix deemed appropriate by the Director of Community Development.

Note: As part of the record there was an expectation by the Commission of an 18th condition based on the informal work of staff with the applicant to address height concerns raised by the adjacent neighbors to be developed before the Board of Supervisors meeting.

**Attachment 2 –
ZTA-2012-00013 Industrial Uses in the Commercial Districts
Recommended Conditions of Approval**

The Planning Commission recommends approval of the Resolution of Intent (Attachment A) and approval of ZTA-2012-00013 (Attachment C) as follows.

Attachment C - Draft: 11/29/12

ORDINANCE NO. 13-18()

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

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

By Amending:

- Sec. 3.1 Definitions
- Sec. 20.3.1 By right
- Sec. 20.3.2 By special use permit
- Sec. 20A.6 Permitted uses
- Sec. 20B.2 Permitted uses
- 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. 25.2.1 By right
- Sec. 25.2.2 By special use permit
- Sec. 25A.2.1 By right
- Sec. 25A.2.2 By special use permit

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

...

~~*Drive-in window*~~ *Drive-through Window*: An accessory facility designed to provide access to commercial products and/or services for customers remaining in their ~~automobiles~~ 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)

...

Establishment: A public or private institution or a place of business.

...

~~*Medical center*: Establishment wherein medical care is provided on an outpatient basis as distinguished from a hospital or a professional office.~~

Article III. District Regulations

Sec. 20.3.1 By right

The following uses shall be permitted subject to the requirements and limitations of this ~~ordinance~~ chapter:

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings-such as duplexes, triplexes, quadraplexes, 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.
3. Multiple-family dwellings.
4. (Repealed 9-2-81)
5. Parks, playgrounds, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and the like.
6. ~~Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)~~
7. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)~~
8. Temporary construction uses headquarters and temporary construction storage yards (reference 5.1.18).
9. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
10. ~~Homes for developmentally disabled persons~~ Group homes (reference 5.1.07).
11. Stormwater management facilities shown on an approved final site plan or subdivision plat.(Added 10-9-02)
12. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

(§ 20-20.3.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04)

Sec. 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: (Amended 5-5-10)

1. Day care, child care or nursery facility (reference 5.1.06).
2. Fire, ambulance and rescue squad stations (reference 5.1.09).
3. Rest home, nursing home, convalescent home, orphanage or similar institution (reference 5.1.13).
4. ~~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~~ Energy and communications transmission facilities (reference 5.1.12).
5. Home occupation, Class B (reference 5.2).
6. Churches. (Added 9-2-81)
7. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
8. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
9. Farmers' markets (Added 5-5-10)

(§ 20-20.3.2, 12-10-80; 9-2-81; 11-7-84; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10)

Sec. 20A.6 Permitted uses

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the zoning administrator pursuant to subsection 8.5.5.2(c)(1):
 1. Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsections 20A.6(b)(2) and (b)(3); provided that the use is identified in the approved code of development.
 2. ~~Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformity with Chapter 16 of the Code of Albemarle and all other applicable law~~ Water, sewer, energy and communications distribution facilities.
 3. Accessory uses and buildings including storage buildings.
 4. Home occupation, Class A, where the district includes residential uses.
 5. Temporary construction uses headquarters and temporary construction storage yards (reference 5.1.18).
 6. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies, public water~~

~~and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 5.1.12).~~

7. Tourist lodgings, where the district includes residential uses.
 8. ~~Homes for developmentally disabled persons~~ Group homes, where the district includes residential uses.
 9. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
 10. Farmers' markets (reference 5.1.47). (Added 5-5-10)
- b. *By special use permit.* The following uses are permitted by special use permit if the use is expressly identified as use permitted by special use permit in the code of development:
1. Each use allowed by right or by special use permit in any other zoning district.
 2. Drive-through windows ~~servicing or associated with permitted uses.~~
 3. Outdoor storage, display and/or sales serving or associated with a by right permitted use, if any portion of the use would be visible from a travelway.

(Ord. 03-18(2), 3-19-03; Ord 04-18(2), 10-13-04; Ord. 09-18(9), 10-14-09; Ord. 10-18(4), 5-5-10)

Sec. 20B.2 Permitted uses

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

- A. *By right uses; retail and service.* The following retail and service uses are permitted by right:
1. Antique, gift, jewelry, notion and craft shops.
 2. Automobile, truck repair shops excluding body shops.
 3. Barber, beauty shops.
 4. Clothing, apparel and shoe shops.
 5. Commercial recreation establishments including, but not limited to, amusement centers, bowling alleys, pool halls and dance halls.
 6. Convalescent homes (reference 5.1.13).
 7. Convenience stores.
 8. Department stores.
 9. Drug stores, pharmacies.
 10. Factory outlet stores, clothing and fabric.
 11. Farmers' markets (reference 5.1.47). (Amended 5-5-10)
 12. Feed and seed stores (reference 5.1.22).
 13. Financial institutions.
 14. Fire extinguisher and security products sales and service.

15. Florists.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Funeral homes.
18. Furniture and home appliances sales and service.
19. Hardware stores.
20. Health spas.
21. Hotels, motels and inns.
22. Indoor athletic facilities.
23. Laboratories, medical or pharmaceutical.
24. Laundries, dry cleaners.
25. Musical instrument sales and repair.
26. New automotive parts sales.
27. Newspaper publishing.
28. Newsstands, magazines, pipe and tobacco shops.
29. Nursing homes (reference 5.1.13).
30. Office and business machines sales and service.
31. Optical goods sales and service.
32. Photographic goods sales and service.
33. Research and development activities, including experimental testing, subject to the performance standards stated in section 4.14 of this chapter.
34. Restaurants.
35. Retail nurseries and greenhouses.
36. Service stations.
37. Sporting goods sales.
38. Tailors and seamstresses.
39. Temporary construction ~~uses~~ headquarters and temporary construction storage yards (reference 5.1.14~~8~~).
40. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
41. Tourist lodging.
42. Visual and audio appliances.

B. *By right uses; office.* The following office uses are permitted by right:

~~1. Medical centers.~~

21. Offices.

32. Temporary construction uses headquarters and temporary construction storage yards (reference ~~5.1.14~~ 5.1.18).

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

1. Churches.

2. Clubs, lodges, ~~civic, fraternal, patriotic~~ (reference 5.1.02).

3. Conference centers, outdoor auditoriums, public art or kiosks.

4. Cultural arts centers.

5. Day care centers (reference 5.1.06).

6. ~~Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law~~ Water, sewer, energy and communications distribution facilities.

7. Fire, ambulance and rescue squad stations (reference 5.1.09).

8. Libraries.

9. Outdoor performance areas.

10. Parking structures and stand alone parking structures (reference 4.12 and 5.1.41).

11. Private schools.

12. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5, 5.1.12).~~

13. Temporary construction uses headquarters and temporary construction storage yards (reference ~~5.1.14~~ 5.1.18).

14. Theaters, live and movie, including multi-screen movie theaters.

D. *By right uses; residential.* The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):

1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.

2. Attached single-family dwellings such as townhouses.

3. Boarding houses.

4. Condominiums.
 5. Group homes (reference 5.1.07).
 6. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
 7. Dwellings occupied by the owner or employees of a permitted commercial use, and their families (reference 5.1.21).
- E. *By special use permit.* The following uses are permitted by special use permit:
1. Body shops (reference 5.1.31).
 2. Buildings more than fifty (50) feet or four stories in height, up to seventy (70) feet or six (6) stories in height, provided the increased height allows the provision of a demonstrated public benefit, such as providing affordable housing or parking.
 3. Buildings one story in height.
 4. Car washes.
 5. Compounding of drugs, including biological products, medical and chemical as well as pharmaceutical.
 6. Detached single-family dwelling, provided that there is no other use permitted by subsections 20B.2(A), (B), (C) or (E) on the same lot.
 7. Drive-~~in~~through windows.
 8. ~~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~~ Energy and communications transmission facilities (reference 5.1.12).
 9. Hospitals.
 10. Manufacturing, processing, fabricating, assembling, and distributing products including, but not limited to:
 - Artists' supplies and equipment.
 - Business, office machines and equipment.
 - Cosmetics, including perfumes, perfumed toiletries and perfumed toilet soap.
 - Drafting supplies and equipment.
 - Electrical lighting and wiring equipment.
 - Electrical and electronic equipment and components including radio, telephone, computer, communication equipment, TV receiving sets, phonographs.
 - Food products, such as bakery goods, dairy products, candy, beverages, including bottling plants.
 - Gifts, novelties including pottery, figurines and similar ceramic products.
 - Glass products made of purchased glass.

- Industrial controls.
 - Jewelry, silverware.
 - Light machinery and machine parts, including electrical household appliances but not including such things as clothes washers, dryers and refrigerators.
 - Musical instruments.
 - Paper products such as die-cut paperboard and cardboard, sanitary paper products, bags and containers.
 - Photographic equipment and supplies including processing and developing plant.
 - Rubber, metal stamps.
 - Small electrical parts such as coils, condensers, transformers, crystal holders.
 - Surgical, medical and dental instruments and supplies.
 - Toys, sporting and athletic equipment, except firearms, ammunition or fireworks.
 - Watches, clocks and similar timing devices.
 - Wood cabinets and furniture, upholstery-
11. Publishing, printing, lithography and engraving, including but not limited to newspapers, periodicals and books.
 12. Preparation of printing plates including typesetting, etching and engraving.
 13. Stand-alone parking (reference 4.12).
 14. Storage yards.
 15. Tier III personal wireless service facilities (reference 5.1.40).
 16. Towing and storage of motor vehicles (reference 5.1.32).
 17. Veterinary offices and animal hospitals.

- F. *Accessory uses and structures.* Accessory uses and structures are permitted, including but not limited to: (i) home occupations, Class A and Class B (reference 5.2) for primary residential uses; (ii) storage buildings for primary residential and non-residential uses; (iii) outdoor performance areas for primary cultural arts center uses; and (iv) prototype manufacturing for research and development uses.

(Ord. 08-18(3), 6-11-08; Ord. 10-18(4), 5-5-10)

Sec. 22.2.1 By right

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

- a. The following retail sales and service establishments:

1. Antique, gift, jewelry, notion and craft shops.
2. Clothing, apparel and shoe shops.
3. Department store.
4. Drug store, pharmacy.
5. Florist.
6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
7. Furniture and home appliances (sales and service).
8. Hardware store.
9. Musical instruments.
10. Newsstands, magazines, pipe and tobacco shops.
11. Optical goods.
12. Photographic goods.
13. Visual and audio appliances.
14. Sporting goods.
15. Retail nurseries and greenhouses.
16. Farmers' markets (reference 5.1.47). (Added 5-5-10)
17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

b. The following services and public establishments:

1. Administrative, professional offices.
2. Barber, beauty shops.
3. Churches, cemeteries.
4. Clubs, lodges, ~~civic, fraternal, patriotic~~ (reference 5.1.02).
5. Financial institutions.
6. Fire and rescue squad stations (reference 5.1.09).
7. Funeral homes.

8. Health spas.
9. Indoor theaters.
10. Laundries, dry cleaners.
11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
12. Libraries, museums.
13. Nurseries, day care centers (reference 5.1.06).
14. Eating establishments.
15. Tailor, seamstress.
16. Automobile service stations (reference 5.1.20).
17. ~~Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority~~ Water, sewer, energy and communications distribution facilities. (Amended 5-2-93)
18. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 1-2.5); public water and sewer transmission, main or trunk lines treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12).~~ (Amended 11-1-9)
19. Temporary construction uses headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
- ~~21. Medical center.~~
22. Automobile, truck repair shop excluding body shop. (Added 6-3-81; Amended 9-9-92)
23. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)
24. Indoor athletic facilities. (Added 9-15-93)
25. (Repealed 5-5-10)
26. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

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

Sec. 22.2.2 By special use permit

The following uses shall be permitted only by special use permit approved by the board of supervisors ~~pursuant to section 31.2.4:~~

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls. (Amended 1-1-83)
2. ~~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~~ Energy and communications transmission facilities.
3. Hospitals.
4. Fast food restaurant.
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein, ~~and such conditions as may be imposed pursuant to section 31.2.4.~~
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan. (Added 6-1-83)
9. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
10. Drive-in through windows ~~servicing or associated with permitted uses.~~ (Added 11-7-84; Amended 9-9-92)
11. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. (Added 6-14-89)
12. Body shop. (Added 9-9-92)
13. Animal shelter (reference 5.1.11). (Added 6-16-99).
14. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
15. Storage/Warehousing/Distribution/Transportation.

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04)

Sec. 23.2.1 By right

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

1. Administrative and business offices.
2. Professional offices, including medical, dental and optical.
3. Financial institutions.
4. Churches, cemeteries.
5. Libraries, museums.

6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than twenty (20) percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
 - Eating establishments;
 - Newsstands;
 - Establishments for the sale of office supplies and service of office equipment;
 - Data processing services;
 - Central reproduction and mailing services and the like;
 - Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;
 - (Repealed 3-17-82)
 - Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;
(Added 12-3-86)
 - Barber shops; (Added 8-5-09)
 - Beauty shops. (Added 8-5-09)
7. ~~Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)~~
8. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)~~
9. Temporary construction uses headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21). (Added 3-17-82)
11. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)
12. Day care, child care or nursery facility (reference 5.1.6). (Added 9-9-92)
13. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-01)
14. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
15. Farmers' markets (reference 5.1.47). (Added 5-5-10)

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.

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

Sec. 23.2.2 By special use permit

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

1. Hospitals.
2. Funeral homes.
3. ~~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~~ Energy and communications transmission facilities.
4. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
5. ~~Commercial uses otherwise permitted having d~~Drive-in~~through~~ windows (Added 11-7-84)
6. School of special instruction. (Added 1-1-87)
7. Clubs, lodges, ~~civic, fraternal, patriotic~~ (reference 5.1.2). (Added 1-1-87)
8. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. (Added 6-14-89)
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15. in compliance with regulations set forth therein ~~and such conditions as may be imposed pursuant to section 31.2.4.~~ (Added 6-19-91)
10. Hotels, motels and inns (reference 9.0). (Added 6-19-91)
11. Supporting commercial uses (reference 9.0). (Added 6-19-91)
12. Research and development activities including experimental testing. (Added 6-19-91)
13. Laboratories, medical or pharmaceutical. (Added 6-10-92)
14. Indoor athletic facilities. (Added 9-15-93)
15. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

16. Storage/Warehousing/Distribution/Transportation.

17. Manufacturing/Processing/Assembly/Fabrication and Recycling.

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

Sec. 24.2.1 By right

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

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges, ~~civic, fraternal, patriotic~~ (reference 5.1.02).
7. Convenience stores.
8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Mobile home and trailer sales and service.
24. Modular building sales.

25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. ~~Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law~~ Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
36. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12).~~ (Amended 11-1-89)
37. Temporary construction ~~uses~~ headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1. (Added 6-19-91; Amended 9-9-92)
42. Indoor athletic facilities. (Added 9-15-93)
43. Farmers' market (reference 5.1.47). (Added 10-11-95; Amended 5-5-10)
44. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
46. Storage yards. (Added 11-12-08)

47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

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

Sec. 24.2.2 By special use permit

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

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls. (Amended 1-1-83)
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. ~~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~~ Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
8. Auction houses.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein, ~~and such conditions as may be imposed pursuant to section 31.2.4.~~
10. Commercial kennels - indoor only (reference 5.1.11). (Added 1- 1-83)
11. Stand alone parking and parking structures (reference 4.12, 5.1.41). (Added 11-7-84; Amended 2-5-03)
12. Drive-in through windows ~~servicing or associated with permitted uses.~~ (Added 11-7-84; Amended 9-9-92)
13. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. (Added 6-14-89)
14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0). (Added 6-19-91)

15. Animal shelter (reference 5.1.11). (Added 6-16-99)
16. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Body shops. (Added 1-12-11)

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

Sec. 25.2.1 By right

The following uses shall be permitted by right in the PD-SC district:

1. Uses permitted by right in the C-1, CO and HC districts, except for storage yards. Outdoor storage, sales or display shall be permitted only when enclosed by appropriate visual screening. (Amended 11-12-08)
2. ~~Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority~~ Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
3. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12).~~ (Amended 11-1-89)
4. Temporary construction uses headquarters and temporary construction storage yards (reference 5.1.18).

§ 20-25.2.1, 12-10-80; 11-1-89; 5-12-93; § 18-25.2.1, Ord. 98-A(1), 8-5-98; § 18-25.2.1, Ord. 98-A(1), 8-5-98; Ord. 08-18(6), 11-12-08)

Sec. 25.2.2 By special use permit

The following uses shall be permitted by special use permit in the PD-SC district:

1. Commercial recreational establishment included but not limited to amusement centers, bowling alleys, pool halls and dance halls. (Amended 1-1-83)
2. ~~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~~ Energy and communications transmission facilities (reference 5.1.12).
3. Parking structures located wholly or partly above grade. (Added 11-7-84)
4. Drive inthrough windows ~~servicing or associated with permitted uses.~~ (Added 11-7-84; Amended 9-9-92)
5. Veterinary office and hospital (reference 5.1.11). (Added 11- 15-89)
6. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
7. Storage yards. (Added 11-12-08)

(§ 20-25.2.2, 12-10-80; 1-1-83; 11-7-84; 11-15-89; 9-9-92; § 18-25.2.2, Ord. 98-A(1), 8-5-98; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08)

Sec. 25A.2.1 By right

The following uses shall be permitted by right in the PD-MC district:

1. Uses permitted by right in the C-1, CO and HC districts, except for storage yards. Outdoor storage, sales or display shall be permitted only when enclosed by appropriate visual screening. (Amended 11-12-08)
2. ~~Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority~~ Water, sewer, energy and communications distribution facilities. (Amended 5-12-93)
3. ~~Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12).~~ (Amended 11-1-89)
4. Temporary construction ~~uses~~ headquarters and temporary construction storage yards (reference 5.1.18).

(§ 20-25A.2.1, 12-10-80; 11-1-89; 5-12-93; § 18-25A.2.1, Ord. 98-A(1), 8-5-98; Ord. 08-18(6), 11-12-08)

I, Ella W. Jordan, 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

I, Ella W. Jordan, 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. Boyd	_____	_____
Mr. Dumler	_____	_____
Ms. Mallek	_____	_____
Mr. Rooker	_____	_____
Mr. Snow	_____	_____
Mr. Thomas	_____	_____

Attachment A

RESOLUTION OF INTENT

WHEREAS, one of the short-term priorities of the County’s Economic Development Policy is to initiate zoning text amendments that further enable business and industrial uses in appropriate zoning districts; and

WHEREAS, in implementing the County's Economic Development Policy and the Economic Vitality Action Plan, the Board has already adopted two zoning text amendments pertaining to industrial uses (ZTA-2010-001 and ZTA-2010-002) and will soon be considering a third (ZTA-2012-004); and

WHEREAS, it is now desired to consider amending the regulations in the Zoning Ordinance pertaining to industrial uses in order to reflect current industrial technologies and their reduced impacts, and to allow certain industrial uses to be allowed by right or by special use permit within the commercial zoning districts, subject to suitable conditions, while at the same time preserving those districts' integrity; and

WHEREAS, in order to facilitate the administration of the Zoning Ordinance, it also is desired to consider amending, adding and repealing certain definitions and amending and updating certain use classifications in the commercial zoning districts so that they are consistent with the use as defined or otherwise identified either in the Zoning Ordinance or in State law.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance, including sections 3.1, 20, 20A, 20B, 22, 23, 24, 25, 25A, and any other sections deemed appropriate, as described herein; and

BE IT FURTHER RESOLVED THAT this resolution of intent supersedes the resolution of intent adopted by the Planning Commission on October 23, 2012; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on this resolution of intent, and return its recommendations to the Board of Supervisors at the earliest possible date.

* * * * *