

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 11

MONTICELLO HISTORIC DISTRICT, MHD

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11.1 INTENT AND PURPOSE, WHERE PERMITTED

The intent and purpose of the Monticello Historic District (hereinafter referred to as “MHD”) is to create a planned historic district:

- To permit restoration, preservation, conservation, education, programs, research, business and support activities, including fundraising activities for the public and/or contributors, all of which are related to the operation of a historic house museum and historic site at Monticello;
- To promote the preservation, interpretation and enhancement of a unique historical site;
- To preserve significant tracts of agricultural and forestal land;
- To be a district that is unique to those parcels which both belonged to Thomas Jefferson and contain uses related to the operation of the historic site, in recognition of:
 - the importance of Thomas Jefferson to the history of Albemarle County;
 - the importance of Monticello to the reputation, education, and economy of Albemarle County;
 - Monticello as a unique element of the historical and architectural legacy of Albemarle County, the nation, and the world, as recognized by its inclusion on the World Heritage List administered by the United Nations Educational, Scientific, and Cultural Organization.

Restoration or re-creation of Jefferson-era structures or landscape features, and their subsequent interpretive use, shall be regulated only to the extent necessary to protect public health and safety.

(Ord. 05-18(5), 6-8-05; Ord. 11-18(4), 4-6-11)

11.2 STATUS AS A PLANNED DEVELOPMENT DISTRICT

The MHD is a planned development district within the meaning of section 8 of this chapter, and shall not be construed to be an agricultural zoning district or a district in which agricultural, horticultural or forestal uses are dominant.

(Ord. 05-18(5), 6-8-05)

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11.3 PERMITTED USES

The following uses shall be permitted in the MHD, subject to the regulations in this section and section 8 of this chapter, the approved application plan, and any accepted proffers:

(Ord. 05-18(5), 6-8-05)

11.3.1 BY RIGHT USES

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

1. Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
 - a. Interpretative, educational and research uses such as tours; interpretive signs, walking paths, displays and exhibits; classes, workshops, lectures, programs and demonstrations; field schools and history-related day camps; and archaeological laboratories.
 - b. Administrative and support activities including visitor ticketing and shuttle bus operations, maintenance operations, equipment storage, vehicle maintenance and refueling, security and general administration, and related support spaces and offices.
 - c. Visitor amenities including: parking lots; travelways; public restrooms; food and drink preparation and vending; picnic areas; walking paths and pedestrian bridges.
 - d. Display and sale of products related to Thomas Jefferson and the history of Monticello.
 - e. Fundraising activities and cultivation and stewardship events for the public and/or contributors, subject to section 11.5.
 - f. Other uses not expressly delineated in subsection 1(a) through (d) authorized by the zoning administrator after consultation with the director of planning and other appropriate officials; provided that the use shall be consistent with the express purpose and intent of the MHD, similar to the uses delineated in this subsection in character, locational requirements, operational characteristics, visual impact, and traffic generation.
2. Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, the Heritage Harvest Festival, wine festivals, community hiking and racing events, musical performances and concerts, and commemorative events similar to the Lewis and Clark bicentennial, subject to section 11.5.
3. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products. (Amended 5-5-10)
4. Establishment and changes to structures shown on the approved application plan:
 - a. Modification, improvement, expansion, or demolition of "modern structures" existing on the effective date of this section 11.

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- b. Modification, improvement, re-creation, or restoration (including expansion) of “historic or interpretive structures.”
 - c. Establishment of “new primary structures or features” identified as such on the approved application plan.
- 5. Cemeteries.
 - 6. Detached single-family dwellings, including guest cottages and rental of the same.
 - 7. Side-by-side duplexes; 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.
 - 8. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
 - 9. Game preserves, wildlife sanctuaries and fishery uses.
 - 10. 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 laws.
 - 11. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
 - 12. Temporary construction uses (reference 5.1.18).
 - 13. 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).
 - 14. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
 - 15. Agricultural service occupation (subject to performance standards in 4.14).
 - 16. Divisions of land in accordance with section 10.3.
 - 17. (Repealed 4-7-11)
 - 18. Mobile homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a mobile home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The zoning administrator shall be authorized to issue permits in accordance with the intent

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of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases “a” and “b” of the aforementioned uses.

19. Farm winery uses, events and activities authorized by section 5.1.25 (a) and (b).
20. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
21. Commercial stable (reference 5.1.03).
22. Stormwater management facilities shown on an approved final site plan or subdivision plat.
23. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
24. Monticello scholar residences, which shall be private lodging accommodations in dwellings for educators, academic fellows or scholars working on Jefferson related research and/or programs, Thomas Jefferson Foundation program and event participants, persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site, and for a sole caretaker.
25. Farm sales (reference 5.1.47). (Added 5-5-10)
26. Farm stands (reference 5.1.47). (Added 5-5-10)
27. Events that are 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 including, but not limited to, meetings, conferences, banquets, dinners, weddings, wedding receptions, and private parties, subject to section 11.5.

(Ord. 05-18(5), 6-8-05; Ord. 08-18(2), 5-7-08; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11)

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).
3. Commercial fruit or agricultural produce packing plants.
4. Flood control dams or impoundments.
5. (Repealed 4-7-11)
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), provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.

(Ord. 05-18(5), 6-8-05; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11)

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11.4 REGULATION OF DEVELOPMENT

In order to protect the county's historic resources and the rural character of surrounding lands, all uses and structures shall be subject to an approved application plan, and to sections 4, 5, 8 and 32 of this chapter, including such regulations as may be waived or modified pursuant to section 8.2. In addition:

- a. *Density.* Density shall not exceed one dwelling unit per twenty-one (21) acres and the minimum lot size shall be twenty-one (21) acres.
- b. *Structure height.* The maximum structure height established in the standards for development required by section 8.5.1(d)(11) of this chapter shall not exceed forty-five (45) feet.
- c. *Yards.* The minimum yards established in the standards for development required by section 8.5.1(d)(11) of this chapter shall not be less than the minimum yards provided in section 21.7, except as otherwise provided on the application plan.

(Ord. 05-18(5), 6-8-05)

11.5 STANDARDS OF OPERATION

All uses authorized by section 11.3.1(1)(e), 11.3.1(2), or 11.3.1(27) shall be conducted in accordance with the requirements of an approved traffic management plan on file with the department of community development, which may be reviewed on an annual basis at the discretion of the zoning administrator or county engineer, or the request of the owner. Private road and travelway access must meet standards approved by the planning commission upon the recommendation of the county engineer.

(Ord. 11-18(4), 4-6-11)