# AGENDA ITEM/ACTION

## 1. Call to Order.
- Meeting was called to order at 9:02 a.m. by the Chair, Ann Mallek. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan and Meagan Hoy.

## 4. Recognition:
  - Chair read the attached recognition. (Attachment 1)

## 5. From the Board: Matters not listed on the Agenda.
- Dennis Rooker:
  - MPO working on a meeting with Secretary of Transportation, Sean Connaughton, to discuss obtaining earmarked funds for the 29H250 improvements from Hydraulic Road to the Route 250 Bypass and the additional ramp at Best Buy. If Board members have any additional topics they want discussed at the meeting, he asked that they be forwarded to himself or Mr. Thomas.

- Rodney Thomas:
  - ACFRAB Operations Committee working on an agreement on policies. They have discussed setting a standard for screening volunteers.

- Ann Mallek:
  - Attended ribbon cutting ceremony for the MITRE Corporation located in North Fork Research Park, Town Center 3.
  - As a way to improve communication within the Board, asked Board members to keep each other informed when they are meeting with staff when developing new policy. Also requested that the County Executive inform the Chair when he is meeting with staff and citizens on policy development issues. She is also reinstituting pre-agenda meetings of the Chair, Vice-Chair, County Executive and Assistant County Executive to discuss what is to be published for the upcoming agenda.

## 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.
- Diantha McKeel, School Board member, expressed concern that education is not included as an integral part of the proposed Economic Development Action Plan and that it be amended to include such recognition.

- Candace Smith, small business owner and County resident, commented on the proposed Economic Development Action Plan. She also stated that actions by the Board of Supervisors need to be considered by the full Board and not the result of any single Supervisor efforts.
- **Cristine Nardi**, Executive Director, Center for Nonprofit Excellence, highlighted the work of the Center. Encouraged the Board to consider the nonprofit sector as a stakeholder in its discussions about strategies to increase the economic vitality of the County. Announced the Charlottesville Civic Action 2010 Exhibit, June 4, 2010, at CitySpace.
- **Morgan Butler**, of the Southern Environmental Law Center, commented on the proposed Economic Development Action Plan. Expressed concern that meetings were not publicized. Asked what affect this Plan would have on existing programs and efforts.
- **John Martin**, a resident of Free Union, provided a photo of the construction of the Ragged Mountain Dam from 1907. Urged continued Board support for the approved Water Supply Plan.
- **Liz Palmer**, a County resident, spoke about the Water Supply Plan.
- **Jeff Werner**, of the Piedmont Environmental Council, commented on the proposed Economic Development Action Plan. He also asked what will be reprioritized to allow staff to work on the Plan.
- **Neil Williamson**, of the Free Enterprise Forum, spoke about the proposed Economic Development Action Plan. Said the focus should be on the business environment. Encouraged Board members to focus and debate on the facts in the proposed Plan and move past the communication issues.

### 7.2 Schedule public hearing for the proposed renewal of the Old Crozet School Arts Lease Agreement for portion of the Old Crozet Elementary School.
- **SET** public hearing for June 2, 2010 to receive public comment on the proposed lease agreement.

### 7.3 Authorize County Executive to sign an amendment to the Field School of Charlottesville’s Lease for portion of the Old Crozet Elementary School.
- **APPROVED** the Field School’s lease amendment contingent on the approval of OCSA’s lease and **AUTHORIZED** the County Executive to sign the lease amendment.

### 7.4 FY 2010 Budget Amendment and Appropriations.
- **APPROVED** the budget amendment in the amount of $614,551.04 and **APPROVED** Appropriations, #2010073, #2010074, #2010076, #2010077, #2010078, #2010079, and #2010080

### 8 Proclamation - National Travel and Tourism Week, May 8–16, 2010.
- Chairman read the attached proclamation.

### 9 Tourism Update, Kurt Burkhart, Director of Charlottesville-Albemarle Conventions Bureau.
- **RECEIVED**.
10. **Presentation of Streamwatch Annual Report, John Murphy.**  
   - **RECEIVED.**

11. **Presentation of the Historic Preservation Committee's 2009 Annual Report, Jared Loewenstein.**  
   - **RECEIVED.**

12. **End-of-the-Year Intern Report, Lee Catlin.**  
   - **RECEIVED.**

13. **ZTA-2009-00003. Farm wineries.**  
   - This item was moved to the afternoon portion of the meeting.

14. **ZTA-2009-00018. Farm stands, farm sales, farmers' markets.**  
   - This item was moved to the afternoon portion of the meeting.

**NonAgenda.** At 10:46 a.m. the Board recessed and reconvened at 11:04 a.m.

15. **Presentation on Regional Economic Development Issues, Mike Harvey, TJPED.**  
   - **RECEIVED.**

16. **Albemarle County Economic Development Action Plan.**  
   - **Scheduled** work session, with public comment on June 2\(^{nd}\).

17. **Closed Meeting.**  
   - At 12:17 p.m., the Board went into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to consider appointments to boards, committees, and commissions; under Subsection (1) to conduct an administrative evaluation; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to an interjurisdictional agreement regarding public safety; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to an interjurisdictional agreement regarding the Rivanna Solid Waste Authority; and under subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to compensation requirements.

18. **Certify Closed Meeting.**  
   - At 2:06 p.m., the Board reconvened into open meeting and certified the closed meeting.

19. **Boards and Commissions: Appointments.**  
   - **APPOINTED** Brad Sheffield to the CHART Committee to fill an unexpired term to end April 3, 2011.
   - **APPOINTED** Carol Rasmussen to the Police Department Advisory Committee with said term to expire March 5, 2012.
   - **APPOINTED** to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire December 31, 2011.
   - **REAPPOINTED** Mark Gorlinsky and Nelson Shaw to the Agricultural and Forestal District

Advisory Committee with said terms to expire April 17, 2014.

- **REAPPOINTED** Naresh Naran to the Charlottesville Albemarle Convention and Visitors Bureau with said term to expire June 30, 2012.
- **REAPPOINTED** Jane Covington and Steven Meeks to the Historic Preservation Committee with said terms to expire June 4, 2013.
- **REAPPOINTED** Rod Gentry and Barbara Kessler to the Workforce Investment Board with said terms to expire June 30, 2011.

13. **ZTA-2009-00003. Farm wineries.**
- **APPROVED**, by a vote of 6:0, the attached ordinance.
  
  Clerk: Forward copy of signed resolution to Amelia McCulley, Wayne Cilimberg, and County Attorney’s Office.
  (Attachment 3)

14. **ZTA-2009-00018. Farm stands, farm sales, farmers’ markets.**
- **APPROVED**, by a vote of 6:0, the attached ordinance.
  
  Clerk: Forward copy of signed resolution to Amelia McCulley, Wayne Cilimberg, and County Attorney’s Office.
  (Attachment 4)

20. **Work Session: Places29, David Benish.**
- **Scheduled** work session, with public comment on June 9th.
  
  Clerk: Schedule on agenda.

21. From the Board: Committee Reports and Matters Not Listed on the Agenda.
Rodeny Thomas:
- Philip Sparks is retiring from Dominion Virginia Power.
- He will not be able to attend the night meeting on Wednesday May 12, 2010.

Closed Meeting.
- At 5:21 p.m., the Board went into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under subsection (1) to discuss the salary of the County Executive.

Certify Closed Meeting.
- At 5:50 p.m., the Board reconvened into open meeting and certified the closed meeting.

22. Adjourn to May 10, 2010, 4:00 p.m., PVCC.
- The meeting was adjourned at 5:50 p.m.

ewj/mrh
WHEREAS, Americans are served daily by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS, public service is among the most demanding and noble of professions; and

WHEREAS, Public Service Recognition Week is observed annually to celebrate and recognize the valuable service that public servants provide to the nation; and

WHEREAS, over 500 Albemarle County Local Government employees work tirelessly to serve our residents, businesses, and visitors, providing them with outstanding customer service while maintaining careful stewardship of the resources with which they have been entrusted; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

WHEREAS, we appreciate the many accomplishments and contributions made daily by these public servants;

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors, do proclaim

May 3-9, 2010 as Public Service Recognition Week

and call upon the citizens of Albemarle County to join their fellow citizens across the County to recognize crucial role of public employees.

Signed and sealed this 5th day of May, 2010.
WHEREAS, the travel and tourism industry in Albemarle County continues to be vital to our economic stability and growth; and it contributes significantly to our County’s cultural and social climate; and

WHEREAS, the travel and tourism industry supports the vital interests of the Albemarle County community, contributing to our employment, economic prosperity, international travel and relations, peace, understanding and good will; and

WHEREAS, in 2008 the Virginia Tourism Corporation reported $268.8 million in tourism revenues were attributed to County businesses; and approximately 2,866 people in Albemarle County work in fields directly related to the tourism and hospitality industry, including lodging, food service, and attractions; and payroll for these individuals was $50.6 million; and

WHEREAS, 1 of every 8 non-farm jobs in the United States is created directly or indirectly or is induced by travel and tourism; and

WHEREAS, the U.S. Travel Association has estimated that each U.S. household would pay $1,000 more in taxes without the tax revenue generated by the travel and tourism industry; and

WHEREAS, every citizen in Albemarle County benefits from the tourism industry; and it is fitting that we recognize the importance of travel and tourism.

NOW, THEREFORE, BE IT RESOLVED, that I, Ann Mallek, Chair of the Albemarle County Board of Supervisors, do hereby proclaim the week of

May 8 through May 16, 2010

as

NATIONAL TOURISM WEEK

in Albemarle County, and I call upon all citizens to recognize the value of the tourism industry in our community and to observe this week with appropriate ceremonies and activities.

Signed and sealed this 5th day of May, 2010.
ORDINANCE NO. 10-18(3)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, 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, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions
Sec. 4.15.2 Definitions
Sec. 5.1.25 Farm winery
Sec. 10.2.1 By right
Sec. 10.2.2 By special use permit

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

Accessory Use, Building or Structure: 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. (Amended 10-9-02)

Agritourism. Any activity carried out on a farm or ranch 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.

Farm winery: An 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)

Farm winery event. An 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 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.
Article II. Basic Regulations

Sec. 4.15.2 Definitions

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

(1.1) 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)

Sec. 5.1.25 Farm winery

Each farm winery shall be subject to the following:

a. Uses permitted. The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm winery:

1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine including, but not limited to, activities related to the production of the agricultural products used in wine, including but not limited to, growing, planting and harvesting the agricultural products and the use of equipment for those activities.

2. The sale, tasting, including barrel tastings, or consumption of wine within the normal course of business of the farm winery.

3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.

4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.

5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.

6. Private personal gatherings of a farm winery owner who resides at the farm winery or on property adjacent thereto that is owned or controlled by the owner, provided that wine is not sold or marketed and for which no consideration is received by the farm winery or its agents.

b. Agritourism uses or wine sales related uses. The following uses are permitted at a farm winery, provided they are related to agritourism or wine sales:

1. Exhibits, museums, and historical segments related to wine or to the farm winery.

2. Farm winery events at which not more than two hundred (200) persons are in attendance at any time.

3. Guest winemakers and trade accommodations of invited guests at a farm winery owner’s private residence at the farm winery.

4. Hayrides.

5. Kitchen and catering activities related to a use at the farm winery.

6. Picnics, either self-provided or available to be purchased at the farm winery.

7. Providing finger foods, soups and appetizers for visitors.

8. Sale of wine-related items that are incidental to the sale of wine including, but not limited to the sale of incidental gifts such as cork screws, wine glasses, and t-shirts.
9. Tours of the farm winery, including the vineyard.

10. Weddings and wedding receptions at which not more than two hundred (200) persons are in attendance at any time.

11. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth, which do not create a substantial impact on the health, safety or welfare of the public, and at which not more than two hundred (200) persons are in attendance at any time.

c. **Agritourism uses or wine sales related uses; more than 200 person at any time; special use permit.**
   The following uses, at which more than two hundred (200) persons will be allowed to attend at any time, are permitted at a farm winery with a special use permit, provided they are related to agritourism or wine sales:
   1. Farm winery events.
   2. Weddings and wedding receptions.
   3. Other uses not expressly authorized that are agritourism uses or wine sales related uses which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth.

d. **Information and sketch plan to be submitted with application for a special use permit.** In addition to any information required to be submitted with an application for a special use permit under section 31.6.2, each application for one or more uses authorized under section 5.1.25(c) shall include the following:
   1. **Information.** Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
   2. **Sketch plan.** A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated so they are not substantial.

e. **Sound from outdoor amplified music.** Sound generated by outdoor amplified music shall not be audible: (i) from a distance of one hundred (100) feet or more from the property line of the farm winery on which the device is located; or (ii) from inside a dwelling unit.

f. **Yards.** Notwithstanding any other provision of this chapter, the minimum front, side and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after [insert date] and to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required yard upon finding that: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

g. **Uses prohibited.** The following uses are prohibited:
   1. Restaurants.
   2. Helicopter rides.
Article III. District Regulations

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:

...  

17. Farm winery uses authorized under section 5.1.25(a) and (b). (Added 11-11-92)

Sec. 10.2.2 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: (Added 10-9-02)

...  

53. Farm winery uses authorized under section 5.1.25(c).

...
ORDINANCE NO. 10-18(4)

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 Amending:
Sec. 3.1 Definitions

Sec. 4.15.5 Signs authorized by special use permit
Sec. 4.15.6 Signs exempt from the sign permit requirement
Sec. 10.2.1 By right
Sec. 10.2.2 By special use permit
Sec. 11.3.1 By right uses
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. 15.2.2 By special use permit
Sec. 16.2.2 By special use permit
Sec. 17.2.2 By special use permit
Sec. 18.2.2 By special use permit
Sec. 19.3.2 By special use permit
Sec. 20.3.2 By special use permit
Sec. 20A.6 By right
Sec. 20B.2 By right
Sec. 22.2.1 By right
Sec. 23.2.1 By right
Sec. 24.2.1 By right
Sec. 27.2.1 By right
Sec. 27.2.2 By special use permit
Sec. 28.2.1 By right
Sec. 28.2.2 By special use permit
Sec. 35 Fees

By Repealing:
Sec. 5.1.19 Wayside stands
Sec. 5.1.35 Farm sales
Sec. 5.1.36 Farmer’s market

By Adding:
Sec. 5.1.47 Farm stands, farm sales and farmers’ markets

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

...
Accessory merchandise: 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.

Agriculture: Horticulture, viticulture, silviculture or other gardening which may involve the tilling of soil for the raising of crops; the keeping of livestock and/or poultry; and/or agricultural industries or businesses, such as, but not limited to, orchards, fruit packing plants, dairies, nurseries, farm sales, farm stands and farmers’ markets. (Amended 12-2-87)

Farm Sales: The 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)

Farm Stand: The 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 County, but not on the lot on which the farm stand is located.

Farmers’ Market: 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 County regardless of whether it is on or not on the lot on which the farmers’ market is located. (Added 10-11-95)

Local agricultural products: Agricultural products grown or produced in Albemarle County or its abutting localities.

Value-added products: 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.

Article II. Basic Regulations

Sec. 4.15.5 Signs authorized by special use permit

Except as provided in subsection (d), electric message signs, off-site signs, and signs in public rights-of-way may be authorized only by special use permit, as provided herein:

a. Circumstances under which signs may be authorized. The signs may be authorized only under the following circumstances:

1. Off-site signs. Off-site signs may be authorized by special use permit within any zoning district.

2. Electric message signs. Electric message signs may be authorized by special use permit within any commercial or industrial zoning district, or any commercially designated areas of a planned unit development.
3. **Signs in public rights-of-way.** Signs in public rights-of-way; provided: (1) the subdivision or planned development to which the sign pertains abuts the public right-of-way; (2) the sign is either a subdivision sign or a sign identifying a planned development authorized by sections 19, 20, 25, 25A, and 29; (3) the freestanding sign regulations, other than setback regulations, applicable to the lot with the use to which the sign pertains shall apply; and (4) if the sign is located within an entrance corridor overlay district, a certificate of appropriateness is issued by the architectural review board.

b. **Authority.** The authority to issue a special use permit for off-site signs and electric message signs is hereby granted to the board of zoning appeals.

c. **Procedure and administration.** The application procedure, the findings and conditions to be applied by the board of zoning appeals when considering an application for a special use permit, and the authority to revoke such a permit, shall be as provided in section 31.6 of this chapter. In addition to the foregoing:

1. For an off-site sign, the board of zoning appeals shall also find that the issuance of a special use permit is necessary because an on-site sign would be ineffective to communicate its message off-site because of topography or vegetation.

2. For an electric message sign, the board of zoning appeals shall also find that the sign complies with all applicable state laws for such signs.

3. A permit number for each special use permit issued for an off-site sign shall be affixed to the sign in a conspicuous place.

d. **Exception; certain off-site signs.** A special use permit shall not be required for off-site directional, political, subdivision or temporary signs, and off-site agricultural product signs, except for those advertising a farmers’ market in any zoning district other than the Rural Areas, Monticello Historic District, and the Village Residential zoning districts, provided that their number does not exceed two (2) and they do not exceed an aggregate of thirty-two (32) square feet in sign area, and further provided that any agricultural product sign advertising a farmers’ market in the Rural Areas, Monticello Historic District, or the Village Residential zoning districts is posted within that particular zoning district.

(12-10-80; 7-8-92, § 4.15.05; Ord. 01-18(3), 5-9-01)


**Sec. 4.15.6 Signs exempt from the sign permit requirement**

The following signs are exempt from the sign permit requirement set forth in section 4.15.4 provided that they comply with the regulations set forth below and all other applicable regulations of this section 4.15:

1. **Agricultural product sign, on-site.** One or two on-site agricultural product signs that do not exceed an aggregate of thirty-two (32) square feet in sign area. (Added 3-16-05)

2. **Auction sign.** An auction sign that does not exceed four (4) square feet in sign area, and which is posted for a total of thirty (30) days or less in a calendar year. Such an auction sign shall be removed within seven (7) days after date of the auction.

3. **Commemorative plaque.** A commemorative plaque that does not exceed four (4) square feet in sign area.

4. **Construction sign.** A construction sign that does not exceed thirty-two (32) square feet in sign area. Such a construction sign shall be removed within seven (7) days after issuance of a certificate of occupancy.
(5) **Estate sign.** An estate sign that does not exceed four (4) square feet in sign area.

(6) **Farm sign.** A farm sign that does not include commercial identification and does not exceed four (4) square feet in sign area.

(7) **Home occupation class B sign.** A home occupation class B sign that does not exceed four (4) square feet in sign area.

(8) **Incidental sign.** An incidental sign that does not exceed four (4) square feet in sign area.

(9) **Political sign.** One or more political signs that do not exceed the maximum sign area allowed for the physical type of the sign (e.g., freestanding, wall) within the applicable zoning district.

(10) **Private drive sign.** A private drive sign that does not exceed four (4) square feet in sign area, limited to one such sign per entrance.

(11) **Public sign.** A public sign.

(12) **Residence sign.** A residence sign that does not exceed four (4) square feet in sign area.

(13) **Residential sign.** One or more residential signs that are not illuminated signs and do not exceed thirty-two (32) square feet in cumulative sign area.

(14) **Special decorative display.** A special decorative display used for holidays or public events, and which is displayed for a total of sixty (60) days or less in a calendar year. Such a display shall be removed within seven (7) days of said event.

(15) **Temporary directional sign.** A temporary directional sign that is erected no closer than five (5) feet from a front lot line and does not exceed four (4) square feet in sign area.

(16) **Real estate sign.** A real estate sign that does not exceed thirty-two (32) square feet in sign area. Such a real estate sign shall be removed from the site within seven (7) days of sale, lease or rental.

(17) **Warning sign.** A warning sign that is erected by a private landowner and does not exceed four (4) square feet in sign area.

(18) **Window sign.** A permanent window sign, provided that it does not exceed twenty-five percent (25%) of the total area of the window or door on which it is located, and the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window and door; and further provided that if a permanent window sign will be on a structure within the entrance corridor overlay district and the window sign is visible from an entrance corridor overlay street, that the aggregate area of all window signs shall not exceed nine (9) square feet per business and that a certificate of appropriateness for the window sign is obtained as provided in section 4.15.15. (Amended 3-16-05)

(19) **Commercial flag.** A commercial flag, subject to the following: (i) not more than one (1) flag may be flown on a lot, provided that if the lot is four (4) acres or larger, then one (1) additional flag may be flown; (ii) the flag shall not exceed twenty-four (24) square feet in size; and (iii) the flag shall be flown on a flag pole and, if two (2) flags may be flown, they may either be on the same or on separate flag poles. (Added 3-16-05)

(20) **Noncommercial flag.** A noncommercial flag, subject to the following: (i) the flag shall not exceed twenty-four (24) square feet in size; (ii) on commercial, institutional and industrial lots, the flag shall be displayed only on privately owned light posts and shall be installed in a manner so that it remains taut and flapping and movement is minimized; and (iii) on residential and agricultural lots, the flag shall be displayed from a mount on a dwelling unit or other permitted primary or accessory structure, a flag pole, a mast, or suspended from a fixed structure, rope, wire, string or cable. (Added 3-16-05)
Advertising vehicle. An advertising vehicle in which none of the prohibited conditions delineated in section 4.15.7(c)(2)(ii) or (iii) exist that is: (i) used as transportation for the business; and (ii) parked in an approved parking space or parking area that serves the advertised business, or temporarily parked at another business to actively receive or provide goods or services, such as to load or unload goods, provide on-site services, receive vehicle maintenance and repair, or obtain food for the driver and passengers. (Added 3-16-05)

Sec. 5.1.47 Farm stands, farm sales and farmers’ markets

Each farm stand, farm sales and farmers’ market shall be subject to the following, as applicable:

a. Zoning clearance. Notwithstanding any other provision of this chapter, each farm stand, farm sales use, and farmers’ market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:

1. Application. Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and:

   (a) Farm stands and farm sales uses. For farm stands and farm sales uses, a sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.

   (b) Farmers’ markets. For farmers’ markets, an approved site plan waiver as provided in section 32.2(b).

2. Notice. The zoning administrator shall provide written notice that an application for a zoning clearance for a farm stand, farm sales use, or by right farmers’ market has been submitted to the Virginia Department of Health and to the owner of each abutting lot under different ownership than the lot on which the proposed use would be located. The notice shall identify the proposed use and its size and location and invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed at least five (5) days prior to the action on the zoning clearance as provided in section 32.4.2.5. The review by the Virginia Department of Health shall be independent of the zoning administrator’s review of the application for a zoning clearance and the approval of the zoning clearance shall not be dependent on any approval by the Virginia Department of Health. The notice requirements shall not apply to a zoning clearance required for a farmers’ market that has been approved by special use permit.

b. Structure size. Structures used in conjunction with a farm stand, farm sales use, and farmers’ market shall comply with the following:

1. Farm stands. Any permanent structure established on and after May 5, 2010 (hereinafter, “new permanent structure”) used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area. Any permanent structure, regardless of its size, established prior to May 5, 2010 (hereinafter, “existing permanent structure”) may be used for a farm stand provided that if the structure does not exceed one thousand five hundred (1500) square feet gross floor area, its area may be enlarged or expanded so that its total area does not exceed one thousand five hundred (1500) square feet gross floor area, and further provided that if the existing structure exceeds one thousand five hundred (1500) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.
2. **Farm sales.** Any new permanent structure used for farm sales shall not exceed four thousand (4000) square feet gross floor area. Any existing permanent structure, regardless of its size, may be used for farm sales provided that if the structure does not exceed four thousand (4000) square feet gross floor area, its area may be enlarged or expanded so that its total area does not exceed four thousand (4000) square feet gross floor area, and further provided that if the existing structure exceeds four thousand (4000) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.

3. **Farmers’ markets.** Any new or existing permanent structure may be used for a farmers’ market without limitation to its size.

c. **Yards.** Notwithstanding any other provision of this chapter, the following minimum front, side and rear yard requirements shall apply to a farm stand, farm sales use, and farmers’ market:

1. **New permanent structures and temporary structures.** The minimum front, side and rear yards required for any new permanent structure or temporary structure shall be as provided in the bulk and area regulations established for the applicable zoning district, provided that the minimum front yard on an existing public road in the rural areas (RA) zoning district shall be thirty-five (35) feet. The zoning administrator may reduce the minimum required yard upon finding that: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

2. **Existing permanent structures.** If an existing permanent structure does not satisfy any minimum yard requirement under subsection 5.1.47(c)(1), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement or lot line on May 5, 2010 and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.

d. **Parking.** Notwithstanding any provision of section 4.12, the following minimum parking requirements shall apply to a farm stand, farm sales use, and farmers’ market:

1. **Number of spaces.** Each use shall provide one (1) parking space per two hundred (200) square feet of retail area.

2. **Location.** No parking space shall be located closer than ten (10) feet to any public street right-of-way.

3. **Design and improvements.** In conjunction with each application for a zoning clearance, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator shall consult with the county engineer, who shall advise the zoning administrator as to the minimum design and improvements. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning clearance.

**Article III. District Regulations**

**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:

. . .

26. Farm sales (reference 5.1.47).
27. Farm stands (reference 5.1.47).

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:

3. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products.

53. Farmers’ markets (reference 5.1.47).

Sec. 11.3.1 By right uses

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

25. Farm sales (reference 5.1.47).

26. Farm stands (reference 5.1.47).

Sec. 11.3.2 By special use permit

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

1. Farmers’ markets (reference 5.1.47).

Sec. 12.2.1 By right

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

17. Farm sales (reference 5.1.47).

18. Farm stands (reference 5.1.47).

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:

18. Farmers’ markets (reference 5.1.47).

Sec. 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:


Sec. 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:

16. Farmers’ markets (reference 5.1.47).

Sec. 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:

18. Farmers’ markets (reference 5.1.47).

Sec. 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:

18. Farmers’ markets (reference 5.1.47).

Sec. 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:

20. Farmers’ markets (reference 5.1.47).

Sec. 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:

20. Farmers’ markets (reference 5.1.47).

Sec. 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:

12. Farmers’ markets (reference 5.1.47).

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:

Sec. 20A.6 Permitted uses

The following uses shall be permitted in the NMD district, 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):

10. Farmers’ markets (reference 5.1.47).

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:

11. Farmers’ markets (reference 5.1.47).

Sec. 22.2.1 By right

The following uses shall be permitted in the 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:

16. Farmers’ markets (reference 5.1.47).

b. The following services and public establishments:

Sec. 23.2.1 By right

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

15. Farmers’ markets (reference 5.1.47).

Sec. 24.2.1 By right

The following uses shall be permitted in the 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.

43. Farmers’ markets (reference 5.1.47).
Sec. 27.2.1  By right

Except as otherwise limited by section 27.2.2.10, the following uses shall be permitted by right in the LI district, subject to the applicable requirements of this chapter:

20. Farmers’ markets that will be conducted outdoors or within a temporary or existing permanent structure (reference 5.1.47).

Sec. 27.2.2  By special use permit

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

19. Farmers’ markets that will be conducted in a new permanent structure (reference 5.1.47).

Sec. 28.2.1  By right

Except as otherwise limited by section 28.2.2.14, the following uses shall be permitted by right in the HI district, subject to the applicable requirements of this chapter:

29. Farmers’ markets that will be conducted outdoors or within a temporary or existing permanent structure (reference 5.1.47).

Sec. 28.2.2  By special use permit

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

18. Farmers’ markets that will be conducted in a new permanent structure (reference 5.1.47).

Article IV.  Procedure

Sec. 35  Fees

Each applicant shall pay the applicable fees established below, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

a. For a special use permit:

1. Rural area division for the purpose of "family division" where all original 1980 development rights have been exhausted under "family division" as defined under section 18-56 of the subdivision ordinance - $220.00.  (Amended effective 1-1-94)
2. Rural area divisions - $1,240.00.
3. Commercial use - $980.00.
4. Industrial use - $1,020.00.
5. Private club/recreational facility - $1,020.00.
6. Mobile home park or subdivision - $980.00.
7. Public utilities - $1,020.00.
8. Grade/fill in the flood plain - $870.00.
9. Minor amendment to valid special use permit or a special use permit to allow minor expansion of nonconforming use - $110.00.  (Amended effective 1-1-94)
10. Extending special use permits - $70.00.
11. Home Occupation-Class A - $13.00;
   Home Occupation-Class B - $440.00.
12. For day care centers - six (6) to nine (9) children - $490.00.  (Added 6-3-92)
13. For day care centers - ten (10) or more children - $980.00.  (Added 6-3-92)
14. Farmers’ markets without an existing commercial entrance approved by the Virginia Department of Transportation or existing and adequate parking - $490.00.
15. Farmers’ markets with an existing commercial entrance approved by the Virginia Department of Transportation and existing and adequate parking - $110.00.
16. All other uses except signs - $980.00. (Amended 7-8-92)

b. For amendment to text of zoning ordinance - $840.00.

c. Amendment to the zoning map:
   1. For planned developments - under 50 acres - $1,020.00.
   2. For planned developments - 50 or more acres - $1,570.00.
   3. For all other zoning map amendments - under 50 acres - $1,020.00.
   4. For all other zoning map amendments - 50 or more acres - $1,570.00.
   5. Minor amendment to a zoning map amendment - $220.00.

d. Board of Zoning Appeals:
   1. Request for a variance or sign special use permit - $120.00. (Amended 7-8-92)
   2. For other appeals to the board of zoning appeals (including appeals of zoning administrator's decision) - $120.00, to be refunded if the decision of the zoning administrator is overturned.

e. Preliminary site development plan:
   1. Residential - $1,190.00, plus $13.00/unit.
   2. Non-residential - $1,580.00, plus $13.00/1000 square feet.

f. Final site development plan:
   1. Approved administratively - $410.00.
   2. If reviewed by the commission before approval of preliminary site development plan - $1,130.00.
   3. If reviewed by the commission after approval of the preliminary site development plan - $790.00.
   4. For site development plan waiver - $270.00.
   5. For site development plan amendment:
      a) Minor - alterations to parking, circulation, building size, location - $95.00.
      b) Major - commission review - $270.00.
   6. Review of site development plan by the architectural review board - $200.00.
   7. Appeal of site development plan to the board of supervisors - $240.00.
   8. Rehearing of site development plan by commission or board of supervisors - $190.00.
   9. Rejection by agent of incomplete site development plan:
      a) Rejected within ten days - $200.00.
      b) Suspended after site plan review - site plan fee shall not be refunded. $65.00 fee shall be required to reinstate project.

g. For relief from a condition of approval from commission or landscape waiver by agent - $180.00.

h. Change in road or development name after submittal of site development plan:
   1. Road - $20.00.
   2. Development - $25.00.

i. Extending approval of site development plan - $45.00.

j. Granting request to defer action on site development plan, special use permit or zoning map amendment:
   1. To a specific date - $35.00.
   2. Indefinitely - $75.00.

k. Bond inspection for site development plan, for each inspection after the first bond estimate - $60.00.

l. Zoning clearance - $35.00.
m. Accessory lodging permits - $35.00.

n. Official Letters:
   1. Of determination - $75.00.
   2. Of compliance with county ordinances - $75.00.
   3. Stating number of development rights - $40.00.

o. Sign Permits:
   1. Any sign, except exempted signs and signs requiring review by the architectural review board - $35.00.
   2. Signs required to be reviewed by the architectural review board - $75.00.

p. Tier II personal wireless service facility - $790.00. (Added 10-13-04)

q. Review of groundwater assessment information required by sections 31.2.2 or 32.5.7:
   1. Tier 1 assessment under Albemarle County Code § 17-401 - $50.00.
   2. Tier 3 assessment under Albemarle County Code § 17-403 - $400.00 plus $25.00 per lot.
   3. Tier 4 assessment under Albemarle County Code § 17-404 - $1,000.00.

In addition to the foregoing, the actual costs of any notice required under Chapter 22, Title 15.2 of the Code shall be charged to the applicant, to the extent that the same shall exceed the applicable fee set forth in this section. The fee shall be in the form of cash or a check payable to the “County of Albemarle.” An application presented without the required fee shall not be deemed to be submitted and shall not be processed. If the zoning administrator determines after a fee has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full. For any application withdrawn after public notice has been given, no part of the fee will be refunded.