

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 3

DEFINITIONS

Sections:

3.1 DEFINITIONS

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

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

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

Accessory Use, Building or Structure: 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, 5-5-10)

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

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

Agricultural Museum: An establishment operated as a repository or collection of curiosities or objects of agricultural interest or significance for public display. (Added 12-2-87)

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

Agriculture: 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, 5-5-10)

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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. (Added 5-5-10)

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

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

Alteration: Any change in the total floor area, use, adaptability or external appearance of an existing structure.

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

Amusement Center: Any establishment, business, or location in which there are more than three (3) amusement games/devices. (Added 1-1-83)

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

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

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

Apartment House: A multiple-family dwelling.

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

Assisted living facility: A residential facility licensed by the state department of social services where a level of service is provided by an adult care residence for adults who may have physical

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or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (*i.e.*, abusive, aggressive, disruptive) as documented on the uniform assessment instrument. (Added 2-5-03)

Attached: When pertaining to structures, a physical connection to a structure by a structural element or structural feature. (Added 10-3-01)

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

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

Avoidance area: An area having significant resources where the siting of personal wireless service facilities could result in adverse impacts as follows: (i) any ridge area where a personal wireless service facility would be skylighted; (ii) a parcel within an agricultural and forestal district; (iii) a parcel within a historic district; (iv) any location in which the proposed personal wireless service facility and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of two hundred (200) feet; or (v) any location within two hundred (200) feet of any state scenic highway or by-way. (Added 10-13-04)

Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

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

Board of Supervisors: The governing body of Albemarle County, Virginia.

Boarding House: A building arranged or used for lodging, with or without meals, for compensation.

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

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

Building: Any structure having a roof supported by columns or walls. (Amended 10-3-01)

Building Code: The term “building code” means the Virginia Uniform Statewide Building Code. (Added 7-1-09)

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

Building, Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or the mean height level between the eaves and ridge of a

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gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, Main: The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Camp, Boarding: As for day camp except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

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

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

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

Cellar: (Repealed 10-3-01)

Cemetery: Any land or structure used or intended to be used for the interment of human remains, either by earth burial, entombment in a mausoleum, inurnment in a columbarium, or a combination thereof. The sprinkling of ashes or their burial in a biodegradable container on church grounds, or their placement in a columbarium on church property, is not a cemetery. (Amended 3-21-01)

Central Sewerage System: A sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, including, but not limited to, septic tanks and/or drain fields, or any of them, designed to serve three (3) or more connections, used for conducting or treating sewage which is required to be approved by the board of supervisors pursuant to Title 15.2, Chapter 21, Article 4 of the Code.

Central Water Supply: A water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, to serve or to be capable of serving three (3) or more connections which is required to be approved by the board of supervisors pursuant to Title 15.2, Chapter 21, Article 6 of the Code.

Certificate of appropriateness: A decision made by the architectural review board or, on appeal, by the board of supervisors, certifying that a proposed structure and/or site improvements located within the entrance corridor overlay district, as may be modified by terms and conditions of the certificate, are consistent with the applicable design guidelines. (Added 5-12-10)

Certificate of appropriateness, county-wide: A decision made by the architectural review board establishing specific design criteria consistent with applicable design guidelines for a class of structures, sites, improvements, or architectural elements. The decision applies to any structure, site, improvement or architectural element within that class that complies with the specific design criteria. (Added 5-12-10)

Certificate of Occupancy: The term “certificate of occupancy” means a certificate issued by the building official and the zoning administrator after final inspections under the building code and

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this chapter certifying that a building or structure is in compliance with the building code and this chapter. (Added 7-1-09)

Chapter, this: The term “this chapter” means chapter 18 of the Albemarle County Code, also known as the Albemarle County zoning ordinance, and all applicable proffers, special use permits and their conditions, certificates of appropriateness and their conditions, variances and their conditions, application plans, codes of development, site plans, zoning compliance clearances, waivers, modifications and variations and their conditions, and all other approvals and their conditions authorized by this chapter. (Added 7-1-09)

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

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

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

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

Commission, The: The Planning Commission of Albemarle County, Virginia.

Common Open Space: An open tract or parcel of land not devoted to residential uses or structures but directly related and adjunct to a cluster development or planned development, as herein provided, and owned and/or controlled by the residents of such development. See "Open Space".

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

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

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

Connection, Water or Sewer: The provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

Conservation area: An area identified on a plan submitted for approval which contains cultural assets or natural features such as non-tidal wetlands, floodplain, slopes identified in the open space element of the comprehensive plan, or streams and stream buffers, within which only limited disturbance or development is allowed. Uses allowed in conservation areas include, but are not limited to, utilities, greenways, pedestrian paths, streets, and stormwater management facilities,

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where, in the opinion of the director of engineering, no other location is reasonably available and when these improvements have the least impact possible on the environmental features of the area. (Added 3-19-03)

Convent: An association or community of recluses devoted to a religious life under a superior; a body of monks, friars, or nuns, constituting one local community. Includes also "Monastery." (Added 1-1-87)

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

Country Store, Class A: A country store located in a historic country store building, and which may include accessory uses including those expressly authorized in section 5.1.45. (Added 11-12-08)

Country Store, Class B: A country store located in a non-historic country store building, and which may include accessory uses including those expressly authorized in section 5.1.45. (Added 11-12-08)

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

Country Store Building, Non-Historic: A building constructed after January 1, 1965 whose primary use at any time after that date was a country store. (Added 11-12-08)

Craft Shop: An establishment wherein hand-made goods are offered for sale.

Cul-de-sac: A vehicular turnaround area at the end of a dead-end street provided for the purpose of safe and convenient reverse of traffic in one continuous forward movement. (Added 7-20-88)

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

Dairy: A commercial establishment for the manufacture and sale of dairy products.

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

Day care center: An establishment operated for the purpose of providing care, protection and guidance to a group of six (6) or more children under the age of thirteen (13) during the absence of a parent or guardian during a part of a day, and includes those establishments commonly known as preschools and nursery schools. The term "day care center" does not include: (1) an establishment licensed and regulated as a summer camp pursuant to Virginia Code § 35.1-1 *et seq.*; (2) a school extended day enrichment program; (3) a school, unless such school is operating a day care center outside of regular classes; and (4) a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. The uses identified in this chapter as "child care," "day care," "nurseries" (for children) and "nursery facilities" are day care centers. (Added 10-3-01)

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

District: Districts as referred to in section 15.2-2280 of the Code.

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Dormitory: (Repealed 10-3-01)

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

Drive-in-Theater: A theater so laid out that patrons can be accommodated while remaining in their automobiles.

Drive-in-Window: A facility designed to provide access to commercial products and/or services for customers remaining in their automobiles. (Added 11-7-84)

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

Duplex: A two-family dwelling or a series of attached single-family dwellings containing two (2) dwelling units.

Dwelling, Multiple-Family: A structure arranged or designed to be occupied by more than two (2) families, the structure having more than two (2) dwelling units.

Dwelling, Single-Family: A building containing one (1) dwelling unit.

Dwelling, Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

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

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

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

Eave: The lower portion of a roof that overhangs the wall.

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

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

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Family:

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

Family day home: A dwelling unit where care, protection and guidance is provided to a group of more than five (5) children under the age of thirteen (13), exclusive of the provider's family, during the absence of a parent or guardian during a part of a day. A single-family dwelling having five (5) or fewer children is a single-family residential use. (Added 10-3-01)

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

Farm 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; Amended 5-5-10)

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. (Added 5-5-10)

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; Amended 5-5-10)

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. (Added 5-5-10)

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

Farm worker housing, Class B: The term "Farm worker housing, Class B" means: (i) either structures located on a farm that are designed and arranged to be occupied exclusively by more than ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or more than ten (10) persons including the farm workers and their

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immediate families, or the number of such structures designed and arranged for sleeping is three (3) or more, regardless of the number of farm workers or their family members who could sleep in such structures; and (ii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets). (Added 12-13-06)

Farmers' Market: 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; Amended 5-5-10)

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

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

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

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

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

Floor Area, Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

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

Garage, Private: Accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

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

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

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

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

Governing Body: The Board of Supervisors of Albemarle County, Virginia.

Graveyard: See Cemetery.

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

Group Home: A group home or other residential facility licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in which more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401 is neither a mental illness nor a developmental disability. A single-family dwelling having eight (8) or less mentally ill, mentally retarded or developmentally disabled persons is a single-family residential use. The use identified in this chapter as “home for developmentally disabled persons” is a group home. (Amended 10-3-01)

Guest Room: A room which is intended, arranged or designed to be occupied, or which is occupied by one (1) or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

Heavy equipment: Equipment that requires an oversize/overweight permit from the Virginia Department of Motor Vehicles to be transported over public highways. (Added 11-12-08)

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

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

Helicopter: A rotorcraft which, for its horizontal motion, depends principally on engine driven rotors.

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

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Helistop; Restricted Use Heliport: A heliport without such auxiliary facilities as waiting room, hangar, parking, fueling or maintenance facilities.

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

Historic district: The Southwest Mountains Rural Historic District, the Southern Albemarle Historic District, the Proffit Historic District and the Batesville Historic District, all of which are listed on the Virginia Landmarks Register. (Added 12-10-09)

Historic structure or site: Any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register. (Added 12-10-97)

Hog Farm: A place where hogs are kept and raised primarily for sale.

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

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

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

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

Hospital: A building or group of buildings designed, used or intended to be used, for the care of the sick, aged or infirmed, including the care of mental, drug-addiction or alcoholic cases. This terminology shall include, but not be limited to, sanitariums, nursing homes and convalescent homes.

Hotel: A building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

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

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Industrialized building: A combination of one or more sections or modules, subject to state regulation, and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. For purposes of this definition, a manufactured home is not an industrialized building. The structure and use identified in this chapter as “temporary nonresidential mobile home” is an industrialized building. (Added 10-3-01)

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

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

Inoperable vehicle: Any motor vehicle, trailer or semitrailer, as those terms are defined in Virginia Code § 46.2-100, which: (1) is not in operating condition; (2) for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or (3) there is not displayed either valid license plates or a valid inspection decal. The vehicle identified in this chapter as “inoperative motor vehicle” is an inoperable vehicle. (Repealed 6-10-87; Added 10-3-01)

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

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

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

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

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

Livestock: Domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep.

Local agricultural products: Agricultural products grown or produced in Albemarle County or its abutting localities. (Added 5-5-10)

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

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

Lot, Interior: Any lot other than a corner lot.

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Lot, Width of: The average horizontal distance between side lot lines.

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

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

Manufactured home: A structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The structure and use identified in this chapter as “mobile home” is a manufactured home. (Added 10-3-01)

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

Mobile Home: (Amended 3-5-86; 11-11-92; Repealed 10-3-01)

Mobile Home Lot: An area of land for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile Home Park: One (1) or more contiguous parcels of land in which three (3) or more rental lots are provided for mobile homes. (Amended 3- 5-86)

Mobile Home Subdivision: A subdivision of land for the purpose of providing lots for sale for mobile homes.

Monastery: See "Convent." (Added 1-1-87)

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

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

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

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

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

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

Nursery: See "Day Care, etc."

Nursery School: See "Day Care, etc."

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

Off-Street Parking Area: Space provided for vehicular parking outside of any public street right-of-way.

Open Space: Land or water left in undisturbed natural condition and unoccupied by building lots, structures, streets, or parking lots except as otherwise specifically provided in section 4.7.

Outdoor Amphitheater: A permanent structure, whether open or enclosed, including a stage and tiered and/or sloped seating. (Added 10-9-96)

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

Parapet: That part of a wall entirely above the roof.

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

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

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

Personal wireless service facility: A facility for the provision of personal wireless services, as defined by 47 U.S.C. § 332 (Section 704 of the Telecommunications Act of 1996), including those Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed wireless services and common carrier wireless exchange access services. (Added 10-17-01; Amended 10-13-04)

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Poultry: Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, pigeons.

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

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

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

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

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

Program authority: The department of engineering and public works, including any officer or employee of the department authorized by the county engineer to act pursuant to Chapter 17 of the Code of Albemarle. (Added 7-3-02)

Public Sewerage System: Any sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, operated by, for, or under the authority of the Albemarle County Service Authority and/or the Rivanna Water and Sewer Authority.

Public Utility: Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewerage facilities, either directly or indirectly, to or for the public.

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

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

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

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

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

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

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

Restaurant: An establishment wherein, for compensation, meals or beverages are served for consumption on or off the premises. The term “restaurant” includes, but is not limited to, those establishments commonly known as restaurants, fast food restaurants, coffee shops, cafeterias, cafes, lunchrooms, luncheonettes, hotel dining rooms, dinner theaters, taverns, and soda fountains. The term “restaurant” does not include a snack bar or refreshment stand at a public or nonprofit recreation facility, operated solely by the operator of the facility for the convenience of its patrons. Dancing by patrons shall be considered as entertainment accessory to a restaurant, provided the space available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the permit requirements of Chapter 12 of the Code of Albemarle. The uses identified in this chapter as “eating establishment” and “fast food restaurant” are restaurants. (Amended 10-3-01)

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

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

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

Ridgeline: The uppermost line created by connecting the peaks of a mountain or chain of mountains, and from which land declines in elevation on at least two (2) sides, as identified on a ridge area map approved by the board of supervisors. (Added 10-13-04)

Road: See Street.

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

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

Sanitary Landfill: A place for the disposal of solid wastes approved in accordance with the regulations of the State Board of Health.

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

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

School of Special Instruction: (Repealed 10-3-01)

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

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

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

Setback: The distance by which any building or structure is separated from any street, road or access easement. (Amended 7-1-81)

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

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

Sign: (Repealed 7-8-92)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Skylight: Locating a personal wireless service facility in such a way that the sky is the backdrop of any portion of the facility. Skylight has the same meaning as “skylining,” as that term is used in the wireless policy. (Added 10-13-04)

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

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

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

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

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

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

Stacking: An area for temporary queuing of vehicles while awaiting entry for service. (Added 2-5-03)

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

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

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

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

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

Street: A public or private thoroughfare which affords access to abutting property.

Street Line: The dividing line between a street or road right-of-way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, etc. For the purpose of the determination of setback, signs shall be excluded as a structure. (Amended 7-8-92)

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

Temporary construction headquarters: A building or structure used for the on-site management or oversight of construction or development activity for the duration authorized in section 5.1.18(a). (Added 7-1-09)

Temporary construction yard: An area used for the on-site storage of construction or development materials, supplies, equipment, and tools, and the on-site stockpiling and recycling of

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useable construction materials and other items, for the duration authorized in section 5.1.18(b). (Added 7-1-09)

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

Tier I personal wireless service facility or Tier I facility: A personal wireless service facility that: (i) is located entirely within an existing building but which may include a self-contained shelter or cabinet not exceeding one hundred fifty (150) square feet that is not within the building or a whip antenna that satisfy the requirements of section 5.1.40(c); (ii) consists of one or more antennas, other than a microwave dish, attached to an existing conforming structure other than a flag pole, that do not exceed the height of the structure, and are flush mounted to the structure, together with associated personal wireless service equipment; or (iii) is located within or camouflaged by an addition to an existing structure determined by the agent to be in character with the structure and the surrounding district. (Added 10-13-04)

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

Tier III personal wireless service facility or Tier III facility: A personal wireless service facility that is neither a Tier I nor a Tier II facility, including a facility that was not approved by the commission or the board of supervisors as a Tier II facility. (Added 10-13-04)

Tourist Lodging: One or more rooms located within a single-family dwelling which is actually used as such, which rooms are used secondarily to such single-family use for the temporary accommodation of transients in return for compensation, whether or not such rooms are used in conjunction with other portions of such dwelling.

Townhouse: One of a series of attached single-family dwelling units, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof.

Transmission line, gas or oil: The term “gas or oil transmission line” means: (1) a pipeline that conveys gas or oil for the purpose of supplying gas or oil to a system including, but not limited to, the pipelines owned and operated by the City of Charlottesville extending from the Columbia Gas Transmission System at the Buck Mountain Gate Station to the City of Charlottesville’s Route 29 Substation; or (2) a pipeline that conveys gas or oil, any portion of which is within the rural areas (RA) zoning district or within a public right-of-way abutting such district, serving as a common source of supply directly from a system station or substation to: (i) two or more distribution lines within the County of Albemarle, the City of Charlottesville, or the Town of Scottsville; or (ii) one or more distribution lines located within a county abutting the County of Albemarle. For purposes of this definition, the term “distribution line” means a pipeline other than a transmission line serving as a common source of supply directly from a transmission line to a service line, or a pipeline that serves as a service line. For purposes of this definition, the term “service line” means a pipeline other than a transmission line that distributes gas or oil from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold, and which ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter. Any nonconforming transmission lines existing on February 2, 2005 shall be deemed to be distribution lines for the purpose of repair, reconstruction or replacement but not for extension or enlargement. (Added 4/19/00, Amended 2/2/05)

Travel Trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent

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identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this ordinance, a travel trailer shall not be deemed a mobile home.

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

Triplex, Quadruplex: A multiple-family dwelling or series of attached single-family dwellings containing in either case three (3) or four (4) dwelling units, respectively.

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

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. (Added 5-5-10)

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

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

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

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

Wholesale Business: An establishment for the sale and distribution of goods and merchandise to a retailer for resale as opposed to sale directly to the public. (Added 12-2-87)

Wooded Area, Forested Area: An area containing one of the minimum number of trees of specified size, or combinations thereof, from the following table:

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

Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

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

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

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

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

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

Zoning administrator: The term “zoning administrator” means the officer designated to administer and enforce this chapter, or his or her designee.

(§ 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10)