

## **ARTICLE I. GENERAL PROVISIONS**

### **Chapter 1: Authority, Establishment, Purpose and Official Zoning Map**

#### *Section 1.1 Authority and Enactment*

This ordinance, to be cited as the Town of Scottsville Zoning Ordinance, is hereby ordained, enacted and published by the Town Council of Scottsville, Virginia pursuant to the provisions of Title 15.2, Chapter 22, Article 1, Code of Virginia, 1950, and amendments thereto. This article shall be liberally construed to the end that the health, safety, order, prosperity, conservation of natural resources and general welfare of the public shall be furthered.

By the act of the General Assembly of Virginia as recorded in Title 15.2, Chapter 22, Article 7, section 2280 through 2315, Code of Virginia, 1950 and amendments thereto, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape, or area as it may deem best suited to carry out the purposes of this article and in each district it may regulate, restrict, permit, prohibit, and determine the following:

- a. The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, flood plain and other specific uses;
- b. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- c. The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- d. The excavation or mining of soil or other natural resources.

#### *Section 1.2 Adoption*

Be it ordained by the Town Council of the Town of Scottsville, Virginia: That the following ordinance, known as the Town of Scottsville Zoning Ordinance, together with the zoning map attached thereto be adopted effective immediately upon the date set forth below.

#### *Section 1.3 Effective Date, Repeal of Conflicting Ordinances*

This Town of Scottsville Zoning Ordinance shall be effective at and after 12:00 pm, the 20th day of May, 1996 and at the same time the following ordinances are hereby repealed: Town of

Scottsville Zoning Ordinance and the associated zoning map both adopted April 20, 1987; the Architectural Design Control Ordinance, adopted January 17, 1972; the Scottsville Sign Ordinance, adopted March 16, 1992; the ordinance adopting the Albemarle County Zoning Ordinance for the newly expanded area of Town, adopted January 31, 1994; and all other conflicting ordinances adopted prior to the date of this ordinance, the pertinent sections of these prior ordinances having been amended and incorporated herein.

#### *Section 1.4 Purpose and Intent*

This ordinance, insofar as is practicable, is intended to be in accord with and to implement the Comprehensive Plan of the Town of Scottsville, Virginia, adopted on August 15, 1994, pursuant to the provisions of Title 15.2, Chapter 22, Article 3, Code of Virginia, and has the purposes and intent set forth in Title 15.2, Chapter 22, Article 7.

The general purpose of this ordinance shall be to promote the health, safety or general welfare of the public and of further accomplishing the objectives of Title 15.2, section 2200 of the Code of Virginia. To these ends, this ordinance is designed to

- a. Provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- b. Reduce or prevent congestion in the public streets;
- c. Facilitate the creation of a convenient, attractive and harmonious community;
- d. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, and other public requirements;
- e. Protect against destruction of or encroachment upon historic landmarks and areas;
- f. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;
- g. Encourage economic development activities that provide desirable employment and enlarge the tax base;
- h. Provide for the preservation of agricultural and forestal lands and other land of significance for the protection of the natural environment.
- i. Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district in which the locality is situated.**

The ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Title 62.1, section 44.85(8) of the Code of Virginia.

*Section 1.5 Relation to the Town of Scottsville Comprehensive Plan and Compatibility with the Zoning Ordinance of Albemarle County, Virginia*

This ordinance is intended to assist the citizens, Town Council, the Planning Commission, other boards and commissions and officials of the Town of Scottsville in guiding land development in the Town of Scottsville. The Town of Scottsville Zoning Ordinance is designed to be a tool for implementing the Scottsville Comprehensive Plan. The official zoning map of the Town of Scottsville is declared to be a part of this ordinance. The content and structure of this ordinance, where practicable, is intended to achieve administrative compatibility with the zoning ordinance of the County of Albemarle. The intent is to promote consistency of the review and enforcement provisions described herein between Albemarle County and the Town. This intent is not to infer that the Albemarle County zoning ordinance is to be used in interpreting, clarifying, or in any other respect in the applicability or use of this ordinance.

*Section 1.6 Compatibility with Comprehensive Plan*

This ordinance, insofar as is practicable, is intended to be in accord with and to implement the Town of Scottsville Comprehensive Plan, adopted August 15, 1994 or successors, pursuant to the provisions of Title 15.2, Chapter 22, Article 3, Code of Virginia, 1950, as amended. The Comprehensive Plan has established the following vision for Scottsville's future: **Scottsville should preserve its small town character, protect its historic, scenic, and natural areas and be guided by ~~and~~ a thoughtful and harmonious development plan which will best promote the well-being of its residents and maintain quality of life for all.**

This ordinance shall be administered with the intent of maintaining compatibility with the comprehensive plan to fulfill this vision statement and the goals, objectives, implementation strategies and standards of the comprehensive plan.

*Section 1.7: Official Zoning Map*

The areas of the Town of Scottsville are hereby divided into districts, as indicated on a set of map sheets titled *Zoning Map of the Town of Scottsville* which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The zoning map shall be identified by the signature of the Mayor of the Town of Scottsville, attested by the Clerk of the Town Council, together with the date of adoption of this ordinance. The

official zoning map shall be located in the Municipal Building and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Town.

#### 1.7.1 Amendment of Zoning Map

At such times as amendments are made to the zoning map by action of the Town Council such amendments shall be incorporated onto the official zoning map at such time and in such manner as the Town Council may prescribe. Such changes shall be validated with reference to correct notation by the Clerk of the Town Council, who shall affix his/her signature thereto, thereby certifying that approved amendments to the zoning map have been correctly incorporated. The date of official action and nature of the change shall be entered on the map. Any such change shall have the effect of law at 12:01 a.m. on the day following its legal adoption, or on its effective date, if officially established as other than on the day following its legal adoption, whether or not it has been shown on said zoning map.

#### 1.7.2 Unauthorized Changes

No changes of any nature shall be made on said zoning map or any matter shown thereon except in conformity with the procedures and requirements of this ordinance. It shall be unlawful for any person to make unauthorized changes on the zoning map. Violations of this provision shall be punishable as provided in Article V, section 27, Penalties.

#### *Section 1.8 Certified Copy, Filing*

A certified copy of the Town of Scottsville Zoning Ordinance and zoning map shall be filed in the office of the Zoning Administrator for the Town of Scottsville, in the office of the Zoning Administrator of Albemarle County, Virginia, in the office of the Clerk of the Town of Scottsville, and in the office of the Clerk of the Circuit Court of Albemarle County, Virginia.

#### *Section 1.9 Severability of Parts of this Ordinance*

Sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

***Section 1.10 Diagrams for Illustrative Purposes Only***

**The diagrams and graphics in this document provide are for illustrative purposes only and may not represent the complete descriptions of all zoning requirements. All standards and regulations presented within the text of this Ordinance shall be used as controlling requirements.**

## **Chapter 3: Interpretation of District Boundaries and Definitions**

In interpreting and construing the official zoning map, the following rules shall apply.

### *Section 3.1 Flood Hazard District Boundaries*

The Boundaries of the Flood Hazard District shall be as shown on the Flood Insurance Rate Map. District boundaries shall be determined by features shown on the map and at such scaled distance therefrom as indicated.

### *Section 3.2 Center Lines as Boundaries*

Where district boundaries appear to follow mapped center lines of streets, alleys, easements, waterways and the like, they shall be construed as following such center lines as exist on the ground except where this variation of actual location would change the zoning status of a lot or parcel or portion thereof, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning of any lot or parcel or portion thereof. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its location unless ownership of the closure or vacated area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right-of-way or easement line. In the case of movement of any waterway, the boundary shall be construed as remaining at its current location.

#### *3.2.1 Property or Other Edges as Boundaries*

Where district boundaries appear to follow street, lot, property or other edge lines, they shall be construed as following such lines.

#### *3.2.2 Railroads as Boundaries*

Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.

#### *3.2.3 Boundaries Other Than As Above*

District boundaries which appear parallel or perpendicular to, or as extensions of or connecting, center lines, edge lines, or other features shown on the map, shall be so construed and at such scaled distance therefrom as indicated on the zoning map.

#### 3.2.4 Boundaries Extending Into Water

Where the full course of boundaries extending into bodies of water is not shown, such boundaries shall be construed as continuing in a straight line to intersect with other zoning boundaries or to jurisdictional limits if no such intersection with a zoning boundary occurs first.

#### *Section 3.3 Dimensions*

Where dimensions are not otherwise indicated on the zoning map, the scale of the map shall govern.

#### *Section 3.4 Unclassified Areas*

Where areas appear to be unclassified on the zoning map, and classification cannot be established by rules set forth herein, such areas shall be considered to be classified RA and may also be a flood hazard district as determined in Article III, section 17, *Flood Hazard Overlay District – FH*.

#### *Section 3.5 Interpretation in Cases of Uncertainty*

Where application of the rules set forth above fails to establish the location of boundaries with sufficient accuracy for the purposes of these regulations, the Planning Commission shall determine the location, provided that no such interpretation shall be such as to divide a lot which was previously apparently undivided by a district boundary.

#### *Section 3.6 General Usage Definitions and Interpretations*

For the purpose of this ordinance, certain words and terms are herein defined as follows: Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

- The word *shall* means mandatory.
- Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
- The word *building* includes the word *structure*; the word *lot* includes the words *plot* and *parcel*.

- The word *used* shall be deemed also to include *erected, reconstructed, altered, placed, or moved*.
- The terms *land use* and *use of land* shall be deemed also to include *building use* and *use of a building*.
- The word *person* includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- The words *street, road, highway, roadway, byway* and *travelway* all include the others jointly.
- The word *state* means the Commonwealth of Virginia.
- The word *county* means Albemarle County, Virginia, except for specific references to that portion of the Town located in Fluvanna County, in which case it refers to Fluvanna County, Virginia.
- The word *Town* means the Town of Scottsville, Virginia, and the term *Town boundary* means any part of the exterior boundary of the Town.
- The term *the Code* means the Code of Virginia as the same may be amended from time to time.
- The terms *amend* or *amendment* mean any repeal, modification, or addition to a regulation; any change in the number, shape, boundary, or area of a district, or any repeal or adoption of any map, part thereof, or addition thereto.

### *Section 3.7: Interpretation by Town Attorney*

In case of any dispute over the meaning of a word, phrase, or sentence, whether defined herein or not, the Town Attorney is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this ordinance as set forth in this Article, provided, however, that an appeal to the Board of Zoning Appeals may be taken from any such determination as provided in this ordinance and the Code of Virginia.

### *Section 3.8 Terms Applicable to the Town Government*

- *Administrator or Zoning Administrator*. The official appointed by the Town Council and authorized to issue permits pursuant to the provisions of this ordinance. (Reference section 20.4 of this ordinance.)
- *Architectural Review Board (ARB)*. An appointed board whose primary function is to review and provide recommendations to the Town Council on permit applications within historic and entrance corridor overlay districts as to their conformance with prescribed aesthetic standards. (Reference section 23 of this ordinance.)
- *Board of Zoning Appeals (BZA)*. A court appointed board, specified in the Code of Virginia, whose purpose is to review and render decisions on public appeals to zoning decisions by the Zoning Administrator and Town officials. (Reference section 22.)

- *Clerk or Town Clerk.* The appointed official who serves as the clerk to the Town of Scottsville.
- *Clerk of the Town Council.* The appointed official who serves as the clerk to the Town Council.
- *Council or Town Council.* The Town Council of Scottsville, Virginia; the governing body, comprised of the Mayor and six (6) elected council members.
- *Commission or Planning Commission.* The Planning Commission of the Town of Scottsville, Virginia as established pursuant to Title 15.2, Chapter 22, Article 2 of the Code of Virginia, as amended.
- *Comprehensive Plan.* A set of recordable materials and documents, in narrative, map, or other form, which includes any and all studies, findings, determinations, policies, statements, and amendments thereto, which are identified as elements of the Comprehensive Plan of the Town of Scottsville and adopted as such by the Scottsville Town Council pursuant to the provisions of Title 15.2, Chapter 22, Article 3, Code of Virginia.
- *Governing body.* The Town Council of Scottsville, Virginia.
- *Mayor.* The Mayor of the Town of Scottsville, Virginia, an elected official.
- *Town Engineer.* The designated agent functioning as engineer for the Town of Scottsville.
- *Town official.* Any of the elected or appointed officials of the Town of Scottsville, Virginia.

### *Section 3.9 Definitions*

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Where definitions are not set forth herein, it is intended that the definitions contained in the Statewide Uniform Building Code pertain.

*Accessory building or structure.* A building customarily incidental and subordinate to the main building or use and located on the same lot with the main building.

**Accessory dwelling unit. An attached or a detached residential dwelling unit, which is not a manufactured home, which provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling is situated.**

*Accessory use.* A use customarily incidental and subordinate to the principal use of land or buildings located upon the same lot.

*Agriculture.* The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses, including a wayside stand, shall be secondary to that of the normal agricultural activities. The operation of commercial feed pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

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

*Apartment house.* A multiple-family dwelling.

*Arts and crafts.* The creation or production of individual handmade objects, not mass produced. (Added 3-20-2000)

*Arts and education center.* Any building or group of buildings utilized solely for the purpose of arts, music, and nature education and may include facilities for galleries, performing space, artists in residence, and outdoor activities. (Added 5-21-2007)

*Automobile graveyard.* Any lot or place which is exposed to the weather upon which are located more than two (2) inoperable vehicles of any kind.

*Basement.* A story having more than one-half ( $\frac{1}{2}$ ) 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.

*Bed and breakfast.* A building in which sleeping accommodations and one or more meals are provided for transient guests for compensation.

*Boarding house.* A building where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for not less than three (3) nor more than twelve (12) persons.

*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.

*Borrow area or borrow pit.* A location at which soil or 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.

*Building.* Any structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by a fire wall extending through the roof each portion of such structure so separated shall be deemed a separate building.

*Building height.* The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the decline of a mansard roof, or to the highest gable of a pitch or hip roof.

*Building, main.* A building in which is conducted the principal use of the lot on which it is situated.

*Building site.* A single parcel occupied or intended to be occupied by a building or structure.

*Carport.* Any space outside a main building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor or towed 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).

*Cemetery.* A place for burial of the dead.

*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, designed to serve three (3) or more connections, used for conducting or treating sewage, which is required to be approved by the Council pursuant to Title 15.2, Chapter 21, Article 3 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 Council pursuant to Title 15.2, Chapter 21, Article 2 of the Virginia Code.

*Church.* A building wherein persons regularly assemble for religious worship, which is used for such purpose and those accessory activities as are customarily associated therewith.

*Cluster development.* An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements for lot widths or area with the decrease in lot width or area compensated by maintenance of equivalent common open space.

*Condominium.* Real Property, and any incidents or interests, defined by the recordation of condominium instruments pursuant to the provisions of Title 55, *Property and Conveyances*, Chapter 4.2, *Condominium Act*, of the Code of Virginia. No project shall be deemed a condominium unless the undivided interests in the common elements are vested in the unit owners, where unit owners are one or more persons who own a condominium unit, or, in the case of a leasehold condominium, whose leasehold interest or interests in the condominium extend for the entire balance of the unexpired term or terms.

*Connection, water or sewer.* The provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

*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.

*Day or child care center.* Any facility operated for the purpose of providing care, protection and guidance to a group of six (6) or more children separated from their parents or guardian during a part of the day only, except:

- a. A facility required to be licensed as a summer camp under sections 35-43 through 35-53 of the Code;
- b. A public school or a private school unless it is determined that such private school is operating a child care center outside of regular classes;
- c. A school operated primarily for the educational instruction of children from two (2) to five (5) years of age at which children two (2) through four (4) years of age do not attend in excess of six and one-half (6½) hours per day;
- d. A facility which provides child care on an hourly basis which is contracted for by a parent only occasionally; or
- e. 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.

*Development.* Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

*District, zoning.* Any section or sections of the Town for which regulations govern the use and characteristics of buildings and premises.

*Drive-in-window.* A facility designed to provide access to commercial products and/or services for customers remaining in their automobiles.

*Duplex.* A two-family dwelling or a series of two (2) attached single-family 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, normally including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* A right possessed by the owner of one parcel of land by reason of ownership of such parcel to use the land of another for a special purpose not inconsistent with the general property rights of that owner.

*Eating establishment.* Any restaurant, coffee shop, cafeteria, short-order cafe, lunchroom, luncheonette, hotel dining room, dinner theater, tavern, soda fountain, eating place or any other establishment maintained and operated where there is furnished for compensation, food or drink of any kind for consumption primarily therein; provided, however, that a snack bar or refreshment stand at a public or nonprofit recreation facility, operated solely by the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be an eating establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment. (Amended 7-18-2011)

*Erected.* Shall be taken to mean constructed, reconstructed, moved or structurally altered.

*Family.*

- a. An individual; or
- b. Two (2) or more persons related by blood, marriage, adoption, or guardianship plus not more than two (2) unrelated persons living together as a single household unit in a dwelling or dwelling unit; or
- c. A group of not more than four (4) persons not related by blood, marriage, adoption, or guardianship living together as a single household unit in a dwelling or dwelling unit; or
- d. A group of not more than six (6) persons not related by blood, marriage, adoption, or guardianship living together as a single household unit in a dwelling or dwelling unit in a zoning district other than **Downtown Residential – DR R-3.**

*Fill or waste area.* A location at which soil, rock, stumpage, or similar natural materials are deposited.

*Flood.* A general and temporary inundation of normally dry land area.

*Floodplain.* A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; and, an area subject to the unusual and rapid accumulation or run-off of surface waters from any source.

*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.

*Front lot line.* A line dividing a lot from any public and private streets, or easement of access.

*Frontage.* The continuous uninterrupted distance along which a parcel abuts a single adjacent road or street.

*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.

*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.

*Home occupation, Class A.* An occupation conducted in a dwelling unit for profit in connection with which no person other than members of the family residing on the premises is engaged in such occupation.

*Home occupation, Class B.* An occupation conducted in a dwelling unit, with or without the use of one or more accessory structures, for profit in connection with which there are employed not more than two (2) persons other than members of the family residing on the premises, which persons may be in addition to such family members.

*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 or group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation.

*Inoperative motor vehicle.* Any motor vehicle, trailer or semitrailer, as such are defined in Virginia Code section 46.1-1, which is not in operating condition; or which 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 on which there are displayed neither valid license plates nor a valid inspection decal.

*Junk yard.* Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of inoperable vehicles, machinery or parts thereof.

*Light assembly.* The low-volume fabrication, predominantly from previously prepared materials, of finished products or parts. (Added 3-20-2000)

*Lot.* The contiguous land either shown on a plat of record or described by meets and bounds or other legal description which is not divided by any public road, street or alley, including any part thereof subject to any easement for any purpose other than a public road, street or alley.

*Lot area.* The area of land within the boundary of a lot, excluding any part under water, and any part within any right-of-way, whether public or private.

*Lot, corner.* A lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

*Lot depth.* The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

*Lot, double frontage.* A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

*Lot, frontage.* That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

*Lot, interior.* A lot other than a corner lot.

*Lot, width of.* The average horizontal distance between side lot lines.

*Lot lines.* The lines bounding a lot as defined herein.

*Lot of record.* A lot, a plat or other legal description which is of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, or Fluvanna County, Virginia.

*Manufacture or manufacturing.* The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

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

*Microbrewery* means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than fifteen thousand (15,000) barrels per year. The facility may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district. (Added 5-16-2011)

***Manufactured Home. Mobile home.*** A structure subject to Federal Regulations, which is transportable in one (1) 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 and 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 facilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. **Some manufactured homes are also referred to as mobile homes.**

***Manufactured/Mobile home park.*** Lots and parcels of land designed for temporary or permanent parking or occupancy of two (2) or more mobile homes used for human habitation.

*Motel.* Any building or buildings, combined or separated, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom, and off-street parking facility.

*Nonconforming structure.* An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

*Nonconforming use.* The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

*Nursery.* An agency, organization or individual providing daytime care of six (6) or more children, ages two (2) and below, not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult.

*Nursery school.* A school designed to provide daytime instruction for six (6) or more children from two (2) to five (5) years of age inclusive and operated on a regular basis.

*Office.* A room or building in which a person transacts his/her business or carries on his/her stated occupation.

*One hundred year flood.* A flood that, on the average, is likely to occur once every one hundred (100) years; i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year.

*Open space.* Land or water left in undisturbed natural condition and unoccupied by building lots, structures, streets, or parking lots.

*Parking, off-street.* Any space, not within a public right-of-way, specifically allotted to the parking of motor vehicles.

*Parking space.* A permanently paved area, with an all weather surface, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

*Parking space, off-street.* A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a

building, or upon a roof, allocated for parking, shall be included and considered a part of the required spaces.

*Private school.* Shall include private schools, colleges or universities, private instructional/training institutions.

*Professional office.* The office of a person engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural, in which a knowledge or skill in some department of science or learning is used in its practical application to the affairs of others, either advising or guiding them in serving their interests or welfare through the practice of an act founded thereon.

*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 facility.* Shall be considered for the purposes of this ordinance to be any public works supplied generally by a governmental organization. Such public works shall include but not be limited to public roads, schools, water supply and sewer facilities, and police and fire protection facilities.

*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.

**Quadraplex. A four-family dwelling with certain common walls or solid internal divisions, distinct from a townhouse in that not more than two of the primary entrances are on the same façade.**

*Recreational vehicle.* A vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or

permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*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.

*Rear lot line.* That lot line parallel to and opposite the front lot line. In the case of an irregular shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the lot line and wholly within the lot.

*Restaurant.* Any building in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, night clubs, drive-in and any fast food establishment permitting consumption on the premises.

*Retail store and shop.* Building or land used for display and sale of merchandise at retail or for the rendering of personal services, but specifically excluding coal, wood and lumber yards.

*Rooming house.* A building where lodging only is provided for compensation to not less than three (3) nor more than twelve (12) persons. (Amended 1-20-2005)

*School of special instruction.* A school giving musical, dramatic, artistic and cultural instruction.

*Setback.* The distance by which any building or structure is separated from any street, road or access.

*Side lot line.* Any lot line other than the front lot line or the rear lot line.

*Sign.* See section 4.14.2, *Signs, Scope* of this ordinance. (Amended 1-20-2005)

*Story.* That portion of a building, other than the basement, 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.

*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 ( $\frac{2}{3}$ ) of the floor area is finished off for use.

*Street, road, highway, roadway, byway or travelway.* 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.

*Street, center line of.* A line established as a center line of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or, if there be no official center line of a street the center line shall be a line lying midway between the street or right-of-way lines thereof. Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the Planning Commission, or in the absence of a determination by the Planning Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

*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.

*Structural alteration.* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

*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.

*Trash and garbage.* All discarded rubbish, cans, bottles, containers, refuse, paper, cardboard, offal and refuse animal and vegetable matter or any other like waste or discarded materials.

*Travel trailer.* A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; 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.

**Triplex. A three-family dwelling with certain common walls or solid internal divisions, distinct from a townhouse in that not more than two of the primary entrances are on the same façade.**

*Wayside stand, roadside stand, or wayside market.* Any structure or land used for the sale or offering for sale by the owner, or his/her family or tenant, on any farm, of agricultural or horticultural produce, livestock or merchandise coming from a home occupation and produced solely on said farm, and which is clearly a secondary use of the premises and does not change the character thereof.

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

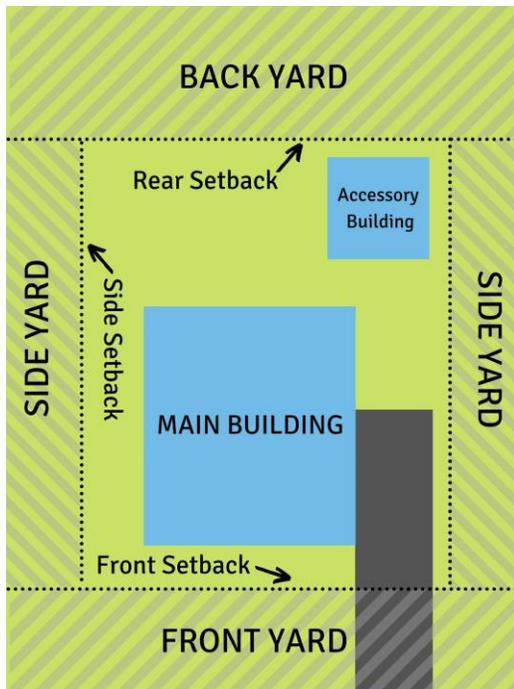


Figure 1: Illustration of yards

*Yard, front.* An open or landscaped, unoccupied 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 or landscaped, unoccupied space on the same lot as a building, between the rear line of the building, excluding steps, and the rear line of the lot, and extending the full width of the lot.

*Yard, side.* An open or landscaped, 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.

## Chapter 9: Village Residential

### Section 9.1: Intent, Where Permitted

This district (hereafter referred to as VR) is created to establish a plan implementation zone that:

- Encourages residential development in areas of the Town designated as village areas or town area in the comprehensive plan;
- Permits a variety of housing types;
- Provides incentives for residential development by allowing variations in lot size, density and frontage requirements;
- Encourages compact development; and
- Encourages creative design which allows for filling in of vacant areas and which is compatible with the character of existing lots and buildings.

It is intended that VR districts will be located in such areas where no public water or sewerage service currently is available or in such areas partially or fully served by approved central water systems or central sewerage systems.

### Section 9.2: Permitted Uses

#### 9.2.1 By Right

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

- a. Detached single-family dwellings.
- b. ~~Side-by-side~~ duplexes ~~provided that density is maintained and provided further that buildings are located so that each unit could be~~ provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted ~~provided density is maintained.~~
- c. Semi-detached and attached single-family dwellings such as triplexes **and** quadraplexes, ~~townhouses, atrium houses and patio houses provided that density is maintained, and provided further that buildings are located so that each unit could be~~ provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
- d. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
- e. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines,

pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with health and sanitation regulations and all other applicable law.

- f. Accessory uses and buildings including home occupation, Class A (reference 5.2, *Regulations Governing Home Occupations*) and storage buildings.
- g. Temporary construction uses (reference 5.1.10, *Temporary Construction Headquarters, Yards*).
- h. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 20.3.4.5, *Review of Public Uses for Compliance with the Comprehensive Plan*); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 5.1.6, *Public Utility Structures, Uses*). [NOTE: These uses are common to the *Public District – P* (section 14), but also are permitted in other districts.]
- i. Wayside stands for the display and sale of seasonal agricultural products (reference 5.1.11).
- j. Homes for developmentally disabled persons (reference 5.1.2, *Home for Developmentally Disabled Persons*).

k. Agriculture.

l. Double-wide mobile homes on individual lots (reference 5.3, *Mobile Homes on Individual Lots*).

#### 9.2.2 By Special Use Permit

The following uses shall be permitted only by special use permit approved by the Town Council pursuant to section 20.3.4, *Special Use Permits*:

- a. Community center.
- b. Clubs, lodges, civic, fraternal, patriotic.
- c. Fire and rescue squad stations (reference 5.1.3, *Fire, Ambulance, Rescue Squad Station (Volunteer)*).
- d. Swim, golf, tennis or similar athletic facilities (reference 5.1.8, *Swimming, Golf, Tennis Clubs*).
- e. Private schools.

- f. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.6, Public Utility Structures, Uses).
- g. Day care, child care or nursery facility (reference 5.1.1, Day Care, Nursery Facility).
- h. Agricultural service occupation.
- i. Home occupation, Class B (reference 5.2, Regulations Governing Home Occupations).
- j. Cemeteries.
- k. Churches.
- l. Bed and Breakfast Inns.
- m. Cluster development of permitted residential uses.
- n. Tourist lodgings (reference 5.1.9, Tourist Lodging).
- o. Arts and education center. (Added 5-21-07)

*Section 9.3 Area and Bulk Regulations (Amended 2009 **and 2021**)*

REQUIREMENTS	CONVENTIONAL DEVELOPMENT	CLUSTER DEVELOPMENT	CLUSTER DEVELOPMENT, PUBLIC WATER AND SEWER
Gross density	0.7 du/acre	0.7 du/acre	<del>4</del> <b>0.7</b> du/acre
Minimum lot size	60,000 sq ft	40,000 sq ft	<del>2,500</del> <b>7,500</b> sq ft
Minimum frontage: public, private	130 feet	110 feet	40 feet
Yards, minimum: Front Side Rear	25 feet 15 feet 20 feet	25 feet 15 feet 20 feet	<del>20</del> <b>15</b> feet <del>10</del> <b>8</b> feet <del>20</del> <b>20</b> feet
Maximum structure height	35 feet	35 feet	35 feet
Other requirements			Minimum <del>33</del> <b>25</b> % to be open space

*Section 9.4 Cluster Development of Option Regulations*

At the option of the owner, regulations under cluster development provisions may be used for cluster development of the land to be subdivided and developed. Use of cluster provisions shall be subject to other requirements of this ordinance, applicable health requirements and the provisions of the Town subdivision ordinance.