

Work Session - Drafted Articles 5 and 6

Albemarle County Board of Supervisors
19 August 2026

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Overlay Districts and Use Tables



Presentation Summary:



Project Background



Article 5 - Overlay Zoning Districts



Article 6 - Use Tables



Work Session Questions



Next Steps

*Language and
Formatting
Updates*

*Consolidation
and
Clarification*

Work Session Focus

- Are the use and formatting changes recommended in the executive summary acceptable to the Board?
- Do the types of changes recommended in the executive summary align with the expectations of the Board for Phase 2 (non-substantive, without public engagement)?

Zoning Modernization Background

PHASE 1 – FOUNDATION

- Completed with Berkley Group Aug '24
- Drafted 4 articles
- Established article pattern

PHASE 2 – FORMAT MODERNIZATION

- Currently underway
- Formatting, organizing, and rewriting
- Adoption Winter '26

PHASE 3 – REGULATORY MODERNIZATION

- Currently underway
- Substantive regulatory work
- Enaction of AC44 goals, vision, and actions

Phase 2 Goals



Formatting



Plain language



Consolidation,
clarification



Removal of
duplication



Code of VA
compliance



Simplified
review process

Article 5 – Overlay Zoning Districts

Overlay Zoning Districts



5.1 Establishment and Purpose

5.2 EC Entrance Corridor

5.3 AIA Airport Impact Area

5.4 FH Flood Hazard

5.5 NR Natural Resource Extraction

5.6 SS Scenic Streams

5.7 Steep Slopes

Floodplain Administrator

Division 2.5 Floodplain Administrator

Section 2.5.1 Appointment

The County Engineer is designated the Floodplain Administrator.

Section 2.5.2 Powers and Duties

In accordance with Federal Law 44 CFR §§ 59.22(b), 60.2(e), 60.3(b)(5), 65.3, the Floodplain Administrator has the powers and duties to administer and enforce the Flood Hazard Overlay District (FH) regulations in Division 5.4 including performing all applicable County duties and responsibilities.

The Floodplain Administrator has the powers and duties to:

- A. **Delegation.** Delegate of any duty or responsibility under the FH Overlay District regulations:
 - 1. To qualified technical personnel, plan examiners, inspectors, and other employees; and
 - 2. With the prior consent of the Virginia Department of Conservation and Recreation, to an authorized public entity by written memorandum of understanding or agreement.
- B. **Implementation of commitments.** Implement of the commitments the County must make under 44 CFR § 59.22(a).
- C. **Recordkeeping.** Maintain and permanently keep the records necessary to administer the FH Overlay District regulations, including:
 - 1. Flood Insurance Studies, Flood Insurance Rate Maps (both historic and current effective versions), and Letters of Map Change; and
 - 2. Documentation supporting the issuance and denial of permits, elevation

Outdoor storage reservation

- 3. *Designating and protecting preserved features.* Areas on a site containing features to be preserved must be identified on approved site plans and building plans, and must be clearly and visibly delineated on the site before grading or other land disturbing activity, including trenching or tunneling, begins. Grading, other land disturbing activity, and movement of heavy equipment must not occur within the delineated areas. The visible delineation of the boundaries of the areas to be preserved must be maintained until the County issues a certificate of occupancy. All features designated for preservation must be protected during development.

D. Outdoor sales, storage, and display of vehicles (reserved)

- E. **Appeals.** A decision of the ARB on an application for a COA, and any other application for review under this Division, may be appealed to the Board of Supervisors as provided in Section 3.13.4. In addition:

- 1. *Consideration of ARB recommendations.* In acting on an appeal, the Board of Supervisors will give due consideration to the recommendations of the ARB together with any other information the Board deems necessary for a proper review of the appeal.
- 2. *Public safety facilities.* When considering an appeal pertaining to a public safety facility, the Board of Supervisors may issue a COA if it finds that the facility is a public necessity.

Section 5.2.5 Modifications (reserved)

- A. Tree spacing for outdoor display – to be written following adoption of the new outdoor storage and display regulations.

Article 6 – Uses Tables

Sec. 13.2.1 - By right.



The following uses shall be permitted by right in the R-1 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Cluster development of permitted residential uses.
3. 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.
4. (Repealed 9-2-81)
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupation, Class A (reference [5.2](#)) and storage buildings.
8. Temporary construction uses (reference [5.1.18](#)).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities,

Language Update Highlights

Minor home occupations,
Class A home occupations



Home occupations, minor

Farm worker housing,
Class A



Seasonal farm worker
housing, minor

Small wind turbines, Solar
energy facilities < 21 acres



Renewable energy systems,
minor

Country store, class A



Country store, minor

Clubs and lodges



Social clubs/lodges
Gun clubs/shooting ranges

Consolidation Highlights

- **Offices (business, professional, admin)**

- *Administrative and business offices, Industrial offices, Newspaper publishing, Offices, including medical, dental and optical.*

- **Light industrial**

- *Manufacturing/Processing/Assembly/Fabrication/Recycling, Newspaper publishing, Preparation of printing plates including typesetting, etching and engraving.*

- **Heavy manufacturing and processing**

- *Brick manufacturing, distribution, Dry cleaning plants, Materials recovery facilities, privately owned and operated, Organic fertilizer manufacture or processing, Petroleum refining, including by-products, Petroleum, gasoline, natural gas and manufactured gas bulk storage, Pulp or paper manufacture or processing, Recycling processing center, Rendering plants*

Retail and Commercial Consolidation

Retail sales and service, general

All retail and services

Neighborhood retail and services

Small scale, primarily serves surrounding neighborhood

Site-intensive commercial

- Car washes
- Heating oil sales and distribution
- Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services
- Machinery and equipment sales, service and rental
- Modular building sales
- Storage yards



Recommended Use Changes

Remove crematorium, outdoor drama theatre from RA

Combine agricultural museums and historical centers

Remove livestock sales from commercial districts



General Commercial

Description	Development that is primarily car-oriented destinations for retail and services. Infill and mixed-use development are encouraged where feasible. While uses and sites are generally car-oriented, streets are designed to accommodate safe and comfortable travel by all modes of travel. Transit connections are encouraged where possible.
Primary Land Uses	Non-residential uses such as commercial, retail, auto-commercial sales and services, wholesale businesses, offices (and office conversions), hotels, conference facilities, schools and childcare, and religious assembly.
Secondary Land Uses	Residential, typically at a density of 6-34 units/acre. Encouraged housing types: multi-family, live-work units. The design of multi-family housing should be integrated with surrounding form. Office to housing conversions are encouraged. Non-residential uses such as office/research & development/flex/light industrial and institutional uses.
Building Form	Buildings are generally 1 to 4 stories. Multi-story buildings are encouraged for residential use. Block-scale development is encouraged for walkability/pedestrian-orientation, with block lengths typically 300 to 600 feet. Flex and light industrial activities that could impact nearby and adjacent residential uses should be located inside buildings.
Ground Floor Use	Buildings that start out as single use are encouraged to be constructed to allow for future conversion to active ground-story uses.



Images show built form and environment associated with land use.

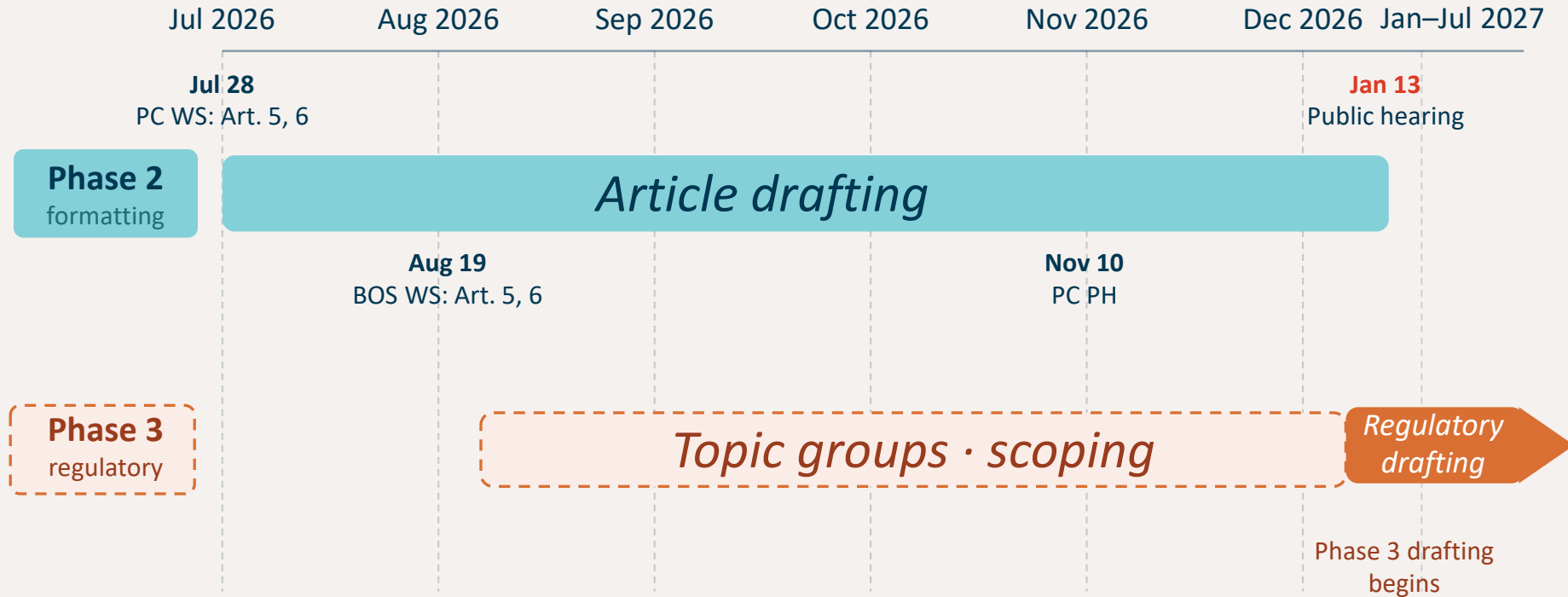
Recommended Use Changes

- Remove crematorium and outdoor drama theater from Rural Areas Zoning District (RA).
- Combine agricultural museums and historical centers.
- Remove livestock sales in commercial.
- Farmers markets aligned in LI, HI.

Work Session Focus

- Are the use and formatting changes recommended in the executive summary acceptable to the Board?
- Do the types of changes recommended in the executive summary align with the expectations of the Board for Phase 2 (non-substantive, without public engagement)?

Zoning Modernization Timeline



Next Steps

- Public engagement and education ongoing
- Staff drafting and discussions of Article 7 - Use Performance Standards, and Article 8 - Community Design Standards
- Building topic-based discussion groups for Phase 3
- PC public hearing Dec 8, BOS public hearing Jan 13 (tentative).

