Chapter 18 Albemarle County Zoning Ordinance

Article I – General Provisions

Section 3.1 – Definitions

Data center. "Data center" means a facility whose primary services are the storage, management, and processing of digital data. ~~used to house computer systems and associated components, such as telecommunications and storage systems and which may include redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices~~

~~*Data processing facility.* "Data processing facility" means facilities where electronic data is processed by employees including, but not limited to, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.~~

Storage/Warehousing/Distribution/Transportation. "Storage/warehousing/distribution/transportation" means an establishment used primarily for the safekeeping, selling or transferring of saleable goods or raw materials to be incorporated into saleable goods including, but not limited to, storage facilities, call centers, ~~data processing facilities~~ or transit; an establishment used as a privately owned and operated waste transfer station; and towing services and the storage of vehicles in conjunction with that service.

Supplementary Regulations

Sec. 5.1.65 Data centers.

A. *Accessory data centers.*

1. Data centers serving a permitted primary use are permitted as an accessory use if:

    i. The data center is on the same site as the primary use;

    ii. The site's primary user operates the data center for its own data; and

    iii. The aggregate area devoted to the data center and its support systems and structures does not exceed 25% of the gross floor area of the primary use.

2. Accessory data centers are not subject to subsection (c).

B. Minimum development requirements for data centers.

1. Data centers must be served by public water and public sewer.

2. Any water cooling must use a closed loop or recycled water system.

C. *Setbacks* – Data center buildings and all associated equipment and accessory structures (such as generators, HVAC, and battery backup) must be set back at least (i) 200 feet from all lot lines and (ii) 500 feet from the Rural Areas zoning district.

D. Generators

1. Routine generator exercise maintenance is limited to Monday – Friday between the hours of 10 a.m. and 4 p.m.

2. Generators must be enclosed in a level 3 enclosure or other enclosure limiting sound to 70 dBA measured 23 feet from the generator. All equipment onsite must comply with Section 4.18, including maximum sound levels at all lot lines.

E. *Special exceptions.* Subsection (b)(1) may not be modified or waived by special exception.

SECTION 20B - DOWNTOWN CROZET DISTRICT - DCD

Sec. 20B.2 Permitted uses.

The following uses shall be permitted in the DCD, subject to the regulations in this section:

A. *By right uses; retail and service*. The following retail and service uses are permitted by right:

1. Antique, gift, jewelry, notion and craft shops.
2. Automobile, truck repair shops excluding body shops.
3. Barber, beauty shops.
4. Clothing, apparel and shoe shops.
5. Commercial recreation establishments including, but not limited to, amusement centers, bowling alleys, pool halls and dance halls.
6. Assisted living facilities and skilled nursing facilities (reference 5.1.13).
7. Convenience stores.
8. Department stores.
9. Drug stores, pharmacies.
10. Factory outlet stores, clothing and fabric.
11. Farmers' markets (reference 5.1.47). (Amended 5-5-10)
12. Feed and seed stores (reference 5.1.22).
13. Financial institutions.
14. Fire extinguisher and security products sales and service.
15. Florists.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Funeral homes.
18. Furniture and home appliances sales and service.
19. Hardware stores.
20. Health spas.
21. Hotels, motels and inns.
22. Indoor athletic facilities.
23. (Repealed 12-11-13)
24. Laundries, dry cleaners.
25. Musical instrument sales and repair.
26. New automotive parts sales.
27. Newspaper publishing.
28. Newsstands, magazines, pipe and tobacco shops.
29. Nursing homes (reference 5.1.13).
30. Office and business machines sales and service.

31. Optical goods sales and service.
32. Photographic goods sales and service.
33. (Repealed 12-11-13)
34. Restaurants.
35. Retail nurseries and greenhouses.
36. Service stations.
37. Sporting goods sales.
38. Tailors and seamstresses.
39. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
40. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
41. Tourist lodging.
42. Visual and audio appliances.
43. Laboratories/Research and Development/Experimental Testing.
44. Drive-through windows (reference 5.1.60). (Added 3-2-16)

B. *By right uses; office*. The following office uses are permitted by right:

1. Offices.
2. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

C. *By right uses; public and civic*. The following public and civic uses are permitted by right:

1. Religious assembly use. (Amended 8-9-17)
2. Clubs, lodges (reference 5.1.02).
3. Conference centers, outdoor auditoriums, public art or kiosks.
4. Cultural arts centers.
5. Child day centers (reference 5.1.06).
6. Water, sewer, energy and communications distribution facilities.
7. Fire, ambulance and rescue squad stations (reference 5.1.09).
8. Libraries.
9. Outdoor performance areas.
10. Parking structures and stand alone parking structures (reference 4.12 and 5.1.41).
11. Private schools.
12. Public uses (reference 5.1.12).
13. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
14. Theaters, live and movie, including multi-screen movie theaters.

D. *By right uses; residential*. The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):

1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.

2. Attached single-family dwellings such as townhouses.
3. Boarding houses.
4. Condominiums.
5. Group homes (reference 5.1.07).
6. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
7. Dwellings occupied by the owner or employees of a permitted commercial use, and their families (reference 5.1.21).
8. Family day homes (reference 5.1.56). (Added 9-11-13)
9. Homestays (reference 5.1.48)

E. *By special use permit; non-residential uses*. The following non-residential uses are permitted by special use permit:

1. (Repealed 12-11-13)
2. (Repealed 12-11-13)
3. (Repealed 12-11-13)
4. Car washes.
5. (Repealed 12-11-13)
6. (Repealed 12-11-13)
7. (Repealed 3-2-16)
8. Energy and communications transmission facilities (reference 5.1.12).
9. Hospitals.
10. (Repealed 12-11-13)
11. (Repealed 12-11-13)
12. Preparation of printing plates including typesetting, etching and engraving.
13. Stand-alone parking (reference 4.12).
14. (Repealed 12-11-13)
15. Tier III personal wireless service facilities (reference 5.1.40).
16. Towing and storage of motor vehicles (reference 5.1.32).
17. Veterinary offices and animal hospitals.
18. Storage/Warehousing/Distribution/Transportation.
19. Manufacturing/Processing/Assembly/Fabrication and Recycling.
20. Data centers (reference 5.1.65).

F. *By special use permit; residential uses.* The following residential uses are permitted by special use permit without the restriction on first floor uses required by subsection 20B.2(D), provided that there is no other use permitted by subsections 20B.2(A), (B) or (E) on the same lot:

1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.

2. Attached single-family dwellings such as townhouses.
3. Boarding houses.
4. Condominiums.
5. Detached single-family dwellings.
6. Group homes (reference 5.1.07)
7. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
8. Dwellings occupied by the owner or employees of a permitted commercial use, and their families. (reference 5.1.21)
9. Family day homes (reference 5.1.56).

G. *Accessory uses and structures*. Accessory uses and structures are permitted, including but not limited to: (i) home occupations, Class A and Class B (reference 5.2) for primary residential uses; (ii) storage buildings for primary residential and non-residential uses; (iii) outdoor performance areas for primary cultural arts center uses; and (iv) prototype manufacturing for research and development uses.

SECTION 22 - COMMERCIAL - C-1

Sec. 22.2.2 By special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)
11. Except as provided in subsection 22.2.2(16), uses permitted by right that are either:
    a. Not served by public water, involving water consumption exceeding 400 gallons per site acre per day; and/or
    b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

    Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 22.2.2(16), as applicable.
12. Body shop.

13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation.
16. If the use is not served by either public water or an approved central water supply:
    a. Automobile service stations (reference 5.1.20).
    b. Convenience stores.
    c. Restaurants.
17. Data centers (reference 5.1.65).

SECTION 23 - COMMERCIAL OFFICE - CO

Sec. 23.2.1 By right.

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

1. Administrative and business offices.
2. Offices, including medical, dental and optical.
3. Financial institutions.
4. Religious assembly use. (Amended 8-9-17)
5. Libraries, museums.
6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than 20 percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
    - Newsstands;
    - Establishments for the sale of office supplies and service of office equipment;
    - ~~Data processing services;~~
    - Central reproduction and mailing services and the like;
    - Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;
    - Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;
    - Barber shops;
    - Beauty shops.
7. Water, sewer, energy and communications distribution facilities.
8. Public uses (reference 5.1.12).
9. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21).
11. Industrialized buildings (reference 5.8).

12. Child day center (reference 5.1.6).
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
15. Farmers' markets (reference 5.1.47).
16. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
17. Drive-through windows (reference 5.1.60). (Added 3-2-16)
18. Restaurants, provided that they: (i) are served by either public water or an approved central water supply; and (ii) comply with the accessory use requirements of subsection 23.2.1(6).
19. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
20. Any use listed in subsections 23.2.1(1)—(18) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 23.2.2(8).

Sec. 23.2.2 By special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Hospitals.
2. Funeral homes.
3. Energy and communications transmission facilities.
4. Stand alone parking and parking structures (reference 4.12, 5.1.41).
5. (Repealed 3-2-16)
6. School of special instruction.
7. Clubs, lodges (reference 5.1.2).
8. Except as provided in subsection 23.2.2(18), uses permitted by right that are either:
    a. Not served by public water, involving water consumption exceeding 400 gallons per site acre per day; and/or
    b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

    Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 23.2.2(18), as applicable.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15. in compliance with regulations set forth therein.
10. Hotels, motels and inns (reference 9.0).
11. Supporting commercial uses (reference 9.0).
12. (Repealed 8-9-17)
13. (Repealed 8-9-17)

14. Indoor athletic facilities.
15. Tier III personal wireless service facilities (reference 5.1.40).
16. Storage/Warehousing/Distribution/Transportation.
17. Manufacturing/Processing/Assembly/Fabrication/Recycling.
18. Restaurants not served by either public water or an approved central water supply, provided that the restaurant complies with the accessory use requirements of subsection 23.2.1(6).
19. Data centers (reference 5.1.65).

SECTION 24 - HIGHWAY COMMERCIAL -HC

Sec. 24.2.2 By special use permit.

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

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
8. Auction houses.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
10. Commercial kennels - indoor only (reference 5.1.11).
11. Stand alone parking and parking structures (reference 4.12, 5.1.41).
12. (Repealed 3-2-16)
13. Except as provided in subsection 24.2.2(18), uses permitted by right that are either:
    a. Not served by public water, involving water consumption exceeding 400 gallons per site acre per day; and/or
    b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

    Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 24.2.2(18), as applicable.
14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
15. Animal shelter (reference 5.1.11).
16. Tier III personal wireless service facilities (reference 5.1.40).
17. Body shops.

18. If the use is not served by either public water or an approved central water supply:

    a. Automobile service stations (reference 5.1.20).

    b. Convenience stores.

    c. Restaurants.

19. Data centers (reference 5.1.65).

[Industrial Districts – Generally]

Sec. 26.2 Permitted primary and accessory uses and structures; prohibited uses and structures.

Uses and structures within the industrial districts are permitted as follows:

a. *Primary uses and structures*. Primary uses and structures within the industrial districts are permitted by right, by special use permit, and by special exception as provided in the following table, subject to the applicable requirements of this chapter:

Use	LI	HI	PD-IP Cat. 1	PD-IP Cat. 2
Manufacturing/Processing/Assembly/Fabrication/Recycling*	BR	BR	BR	BR
Asphalt mixing plants.	N	SP	N	SP
Brick manufacturing, distribution.	SP	BR	SP	BR
Cement, lime gypsum manufacture or processing.	N	SP	N	SP
Chemical, plastics manufacture or processing.	SP	SP	SP	SP
Dry cleaning plants (reference 5.1.49).	SP	BR	SP	BR
Foundries (reference 5.1.50).	N	SP	N	SP
Inorganic fertilizer manufacture or processing.	N	SP	N	SP
Materials recovery facilities, privately owned and operated.	SP	BR	SP	BR
Organic fertilizer manufacture or processing.	SP	BR	SP	BR
Petroleum, gasoline, natural gas and manufactured gas bulk storage (reference 5.1.20).	SP	BR	SP	BR
Petroleum refining, including by-products (reference 5.1.20).	N	SP	N	SP
Pulp or paper manufacture or processing.	N	SP	N	SP
Recycling processing center.	SP	BR	SP	BR
Rendering plants (reference 5.1.53).	SP	BR	SP	BR
Sawmills, temporary or permanent; planing mills; wood yards (reference 5.1.15).	SP	BR	SP	BR
Storage/Warehousing/Distribution/Transportation*	BR	BR	BR	BR
Airports.	SP	SP	SP	SP
Heavy equipment and heavy vehicle parking and storage yards.	SP	BR	SP	BR
Heliports (reference 5.1.01).	SP	SP	SP	SP
Helistops (reference 5.1.01).	SP	SP	SP	SP
Junk yards (reference 5.1.10).	N	SP	N	SP

Warehouse facilities where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident.	SP	BR	SP	BR
Wholesale businesses where there may be the storage of gasoline, kerosene or other volatile materials, dynamite blasting caps and other explosives, pesticides and poisons, and other materials which may be hazardous to life in the event of accident.	SP	BR	SP	BR
Data centers with an aggregate gross floor area less than or equal to 40,000 square feet).	BR	BR	BR	BR
Data center facilities with an aggregate gross floor area greater than 40,000 square feet.	SP	SP	SP	SP
Laboratories/Research and Development/Experimental Testing	BR	BR	BR	BR
Offices**				
Independent offices; within structure existing or vested on or before April 3, 2014.	BR	BR	BR	BR
Independent offices; within structure not established or not vested until after April 3, 2014.	SP	SP	SP	SP
Independent offices; within expanded portion of structure where expansion not established or not vested until after April 3, 2014.	SP	SP	SP	SP
Industrial offices.	BR	BR	BR	BR
Public Uses, Utilities and Services, and Telecommunications Uses**				
Energy and communications transmission facilities (reference 5.1.12).	SP	SP	SP	SP
Fire, ambulance and rescue squad stations (reference 5.1.09).	BR	BR	BR	BR
Personal wireless service facilities, Tier I (reference 5.1.40).	BR	BR	BR	BR
Personal wireless service facilities, Tier II (reference 5.1.40).	BR	BR	BR	BR
Personal wireless service facilities, Tier III (reference 5.1.40).	SP	SP	SP	SP
Public uses (reference 5.1.12).	BR	BR	BR	BR
Stormwater management facilities shown on an approved final site plan or subdivision plat.	BR	BR	BR	BR
Water, sewer, energy, communications distribution facilities (reference 5.1.12).	BR	BR	BR	BR
Temporary Uses**				
Temporary construction headquarters (reference 5.1.18).	BR	BR	BR	BR
Temporary construction storage yards (reference 5.1.18).	BR	BR	BR	BR
Temporary events sponsored by local nonprofit organizations (reference 5.1.27).	SP	SP	SP	SP

Temporary industrialized buildings (reference 5.8).	BR	BR	BR	BR
Commercial Uses**				
Uses permitted by right or by special use permit in the Commercial (C-1), Commercial Office (CO) and Highway Commercial (HC) districts (collectively, "general commercial uses" as used in section 26.3) not otherwise expressly authorized by this section either by right or by special use permit; within structure existing or vested on April 3, 2013.	SP	SP	SP	SP
Farmers' markets conducted in a permanent structure established after May 5, 2010 (reference 5.1.47).	SP	SP	SP	SP
Farmers' markets conducted outdoors or within a temporary or a permanent structure existing on May 5, 2010 (reference 5.1.47).	BR	BR	BR	BR
Hotels, motels, inns.	SP	SP	SP	SP
Outdoor storage, display and/or sales serving or associated with a permitted use, other than a residential, agricultural or forestal use, any portion of which would be visible from a street within the entrance corridor overlay district to which it is contiguous or from any other street within the entrance corridor overlay district which is located within 500 feet; provided that review shall be limited to determining whether the outdoor storage, display and/or sales is consistent with the applicable design guidelines.	SP	SP	SP	SP
Subordinate retail sales for any use permitted by right; use does not exceed 25% of the gross floor area of the primary industrial use.	BR	BR	BR	BR
Subordinate retail sales for any use permitted by right; use exceeds 25% of the gross floor area of the primary industrial use.	SE	SE	SE	SE
Supporting commercial; use does not exceed 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.	BR	BR	BR	BR
Supporting commercial; use exceeds 25% of the gross floor area of the freestanding building or multiple buildings on an industrial site.	SE	SE	SE	SE
Parking**				
Parking structures, as part of an occupied structure (reference 4.12, 5.1.41).	BR	BR	BR	BR
Parking structures, stand alone (reference 4.12, 5.1.41).	SP	SP	SP	SP
Parking area, stand alone (reference 4.12, 5.1.41).	SP	SP	SP	SP
Uses Not Served By Public Water or Public Sewer**				

Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.	SP	SP	SP	SP
Uses permitted by right in the Light Industry (LI) or Heavy Industry (HI) districts, not served by public water, involving water consumption exceeding 400 gallons per site acre per day.	SP	SP	SP	SP
Miscellaneous				
Dwellings and sleeping quarters, on-site (reference 5.1.21).	BR	BR	BR	BR
Fill areas (reference 5.1.28)	BR	BR	BR	BR
Waste areas (reference 5.1.28)	BR	BR	BR	BR

*Applies to all uses within this use classification, as defined, except for those uses expressly identified in unshaded text below that use classification.

**Heading is for organizational purposes only and is not a use classification.

BR: The use is permitted by right.
SP: The use is permitted by special use permit.
SE: The use is permitted by special exception.
N: The use is not permitted.

b. *Planned industrial parks and proffered industrial districts approved prior to April 3, 2013*. Within the following planned industrial parks and proffered industrial districts, the uses permitted by right, by special use permit, and by special exception shall be as follows:

1. *Uses in planned industrial parks.* The uses permitted by right and by special use permit in any planned development -industrial park (PD-IP) district approved prior to April 3, 2013, any industrial park approved as a planned development prior to December 10, 1980 are those uses permitted by right and by special use permit in effect when the zoning map amendment was approved and those uses delineated in subsection (a), regardless of any election made for a planned development district under subsections 8.5.5.2(a) and (b).

2. *Uses in proffered industrial districts*. The uses permitted by right and by special use permit on any site within an industrial district for which proffers either specifying or prohibiting particular uses were accepted prior to April 3, 2013, are those uses permitted by right and by special use permit in effect when the zoning map amendment was approved and those uses delineated in subsection (a), provided that any use not allowed by right or by special use permit by a proffer shall be prohibited.

3. *Certain non-industrial uses in planned industrial parks and proffered industrial districts*. In the planned industrial parks and proffered industrial districts delineated in subsections (b)(1) and (2), no supporting retail sales or subordinate commercial use that would exceed the by right thresholds in subsection (a) shall be expanded without a special exception as required by subsection (a).

c. *Accessory uses and structures*. Accessory uses and structures are permitted within each industrial district, subject to the following:

1. *When accessory use is permitted*. No accessory use is permitted until the primary use to which it is accessory has been established.

2. *When accessory structure is permitted*. No accessory structure is permitted until either construction of the primary structure or the primary use to which it is accessory has commenced.

3. *Prohibited accessory uses and structures*. Parking structures, stand alone parking and drive-through windows are permitted only as provided in subsection (a) and not otherwise as accessory uses. The

storage of sludge or toxic wastes, or both, is prohibited as an accessory use; provided that the temporary storage of sludge or toxic wastes awaiting proper disposal is a permitted accessory use.

d. *Prohibited primary uses and structures*. The following uses and structures are prohibited as primary uses within each industrial district:

1. *Incinerators*. The establishment or use of an incinerator.

2. *Manufacture of certain products*. The manufacture of acetylene gas, acid, ammonia, bleaching powder, chlorine, detergent and cleaning preparations made from animal fats, explosives, fireworks, fish meal, nitrogenous tankage, paints, varnish, shellac that requires distillation or heating ingredients, vinegar that is not derived from an agricultural product, phosphates, and turpentine.

3. *Sludge*. The storage of sludge.

4. *Toxic wastes*. The disposal or storage of toxic wastes regulated under the federal Toxic Substances Control Act (15 U.S.C. § 2601 *et seq*.), provided that placing toxic wastes for their lawful collection and disposal by a third party is not prohibited.