



County of Albemarle
Community Development Department

LEA BRUMFIELD, AICP
SENIOR PLANNER II
lbrumfield@albemarle.org
434-598-5832, ext. 3023

TO: ALBEMARLE COUNTY PLANNING COMMISSION

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RE: ZONING MODERNIZATION WORKSESSION MEMO AND TOPICS – USE CONSOLIDATION AND CLARIFICATION

This memo outlines an overview of the primary topics to be discussed at the May 12 Planning Commission work session. Zoning Modernization Phase 2 focuses on the district regulations primarily contained within County Code Chapter 18, Article II – Basic Regulations – Section 4 – General Regulations, and all of Article III – District Regulations. Under Zoning Modernization, these regulations will be divided between three new articles: Article 4 – Primary Zoning Districts, Article 5 – Overlay Zoning Districts, and Article 6 – Permitted Uses. This work session will address Articles 4 – Zoning Districts, and 6 – Permitted Uses. Article 5 – Overlay Zoning Districts, will be addressed in a later work session.

Staff have been rewriting and editing the current regulations into the new article layout, but with the rolling, iterative nature of the work schedule, the drafts are not yet ready for review. Instead, this work session is intended to bring to the Commission specific instances of language changes and minor regulation changes for discussion and direction where applicable.

Article 4 – Primary Zoning Districts (new)

The work on this article is primarily reformatting and language updates. The permitted uses lists currently under each district will be removed from the district sections, and organized into a large uses matrix in Article 6 – Permitted Uses. A graphically illustrated table will contain the following information for each district:

- General district character
- Primary structure setbacks (front, rear, sides)
- Accessory structure setbacks
- Building height
- Density
- Minimum lot size
- Minimum frontage
- Cluster and bonus development standards

Changes to be discussed:

- **Accessory structure setbacks.** Currently, accessory structure setbacks are 5' from sides and rear lot lines for non-infill residential development, and 6' from sides and rear lot lines for infill residential development and Rural Areas development. Staff recommends changing this standard to 5' for all accessory structures in all districts. ([Section 4.19](#))
- **Stepback triggers.** Currently, setbacks of 15' are required for all developments over 40' in height and/or over 3 stories tall, but may be waived or modified by special exception. Particularly for residential multi-family, this special exception is requested and approved by the Board of Supervisors on a regular basis, with no additional conditions

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of approval. Staff recommends increasing this requirement to apply to developments over 50' in height and/or over 4 stories tall. ([Sections 4.19](#) and [4.20](#))

Article 6 – Permitted Uses (new)

This article will contain a uses table to provide the list of uses permitted in each district. Uses are being classified as BR (permitted by right), SP (special use permit required), AC (permitted as accessory to a permitted use), or N (not permitted). The permitted uses table will include footnotes for uses with particular restrictions, such as a limit to the square footage of accessory retail permitted in industrial uses.

Uses listed across districts are often duplicative or unnecessarily fragmented. One change with a large impact is the consolidation of uses, as in the combination of multiple types of retail into “Retail sales/service.”

Changes to be discussed:

- **“By-right” vs. “Permitted” vs. “Administrative approval.”** Staff requests the Commission’s recommendation for a preferred term to indicate a use is permitted in accordance with application process and supplementary/performance standards, but does not require legislative approval.
- **Consolidation of broader use categories.**
 - Amusement centers, bowling alleys, pool halls, dance halls -> *Indoor commercial recreation*
 - Swim, golf, tennis, or similar athletic facilities; Boat livery -> *Outdoor athletic facilities*
 - Commercial kennel; Animal shelter; Veterinary services, animal hospital, or kennel -> *Veterinary services, animal hospital, or kennel*
 - Day camp; boarding camp -> *Campground*
 - Commercial fruit or agricultural produce packing plants -> *Agricultural processing plants*
 - Historical centers, historical center special events, historical center festivals; Agricultural museums -> *Agricultural/historical museum*
 - Small wind turbines; Solar energy facilities, fenced area ≤21 acres -> *Small scale renewable energy systems*
 - Private schools; Educational, technical and trade schools -> *Private schools*
 - Assisted living facility, skilled nursing facility, children’s residential facility, or similar institution -> *Residential facility*
 - Clothing, apparel and shoe shops; department stores; drug stores and pharmacies; florists; food and grocery stores (including bakeries, candy shops, milk dispensaries, and wine and cheese shops); furniture and home appliances sales and service; hardware stores; musical instrument sales; newsstands, magazines, pipe and tobacco shops; optical goods; photographic goods; visual and audio appliances; sporting goods; retail nurseries and greenhouses; food and grocery stores (HC); new automotive parts sales; office and business machines sales and service; convenience stores -> *Retail sales/service, general commercial*
 - Building materials sales; factory outlet sales for clothing and fabric; fire extinguisher and security products sales and service; Machinery and equipment sales, service and rental; Sale of major recreational equipment and vehicles; Modular building sales; Motor vehicle sales; service and rental; Manufactured home and trailer sales and service; Feed and seed stores; Heating oil sales and distribution; Storage yards -> *Site-intensive commercial*
 - Hotels, motels and inns; tourist lodging -> *Hospitality*
 - Wholesale distribution; Storage/warehousing/distribution/transportation -> *Storage/warehousing/distribution/transportation*
 - Manufacturing/Processing/Assembly/Fabrication/Recycling -> *Light industrial*
 - Laboratories/Research and Development/Experimental Testing -> *Research and development*

- Brick manufacturing distribution; Chemical, plastics manufacture; Dry cleaning plants; Materials recovery facilities; Recycling processing center; Rendering plants; Petroleum/gasoline/natural gas bulk storage; Warehouse facilities (hazardous materials storage); Organic fertilizer manufacture or processing -> *Heavy manufacturing and processing*
 - Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, and townhouses -> *Single family attached dwellings*
- **Home occupations.** Staff recommends replacing the existing Class A/Class B and Major/Minor home occupation classifications with a single Major/Minor classification across both Rural Area and residential districts. ([Sections 5.2](#) and [5.2A](#))
 - **Temporary events.** Currently the ordinance permits “Temporary events sponsored by local nonprofit organizations” only by Special Use Permit in the Rural Areas district. As the Supplementary Regulations for these events notes that:

“The provision is not intended to regulate such minor events as religious assembly use bazaars, yard sales, bake sales, car washes, picnics and the like which generally are not disruptive of the area and require only minimal logistical planning,”

by inference and long-standing administrative practice, *minor* events have been permitted with a Zoning Clearance in the Rural Areas, and both large scale temporary events (such as the circus) and minor temporary events (such as a church activity day) have been permitted in all other districts with the administrative approval of a Zoning Clearance. Staff recommends creating a distinction between Major Temporary Events (both sponsored by a local non-profit or organized by a for-profit organization) and Minor Temporary Events, with no permissions changes to the uses.
 - **Major/Minor uses.** For uses that are substantially similar, but differ more in impact than in overall character, staff recommends combining the uses and distinguishing between them with a Major/Minor distinction. For example, “Body shop” would become “Motor vehicle repair – Major,” and “Automobile, truck repair shop (excl. body shop)” would become “Motor vehicle repair – Minor.” This change would bring the ordinance more in line with impact-based regulation, for flexibility and ease of understanding as uses, industrial processes, and technology continue to evolve.
 - **Community centers and clubs/lodges.** Clubs and lodges and community centers have similar impacts, and both are permitted by special use permit in all non-planned residential and commercial districts. However, only clubs and lodges are permitted in DCD, and only community centers are permitted in PRD and PUD. Staff recommends standardizing these permissions across all districts, so that both uses are permitted in residential, commercial, planned residential, planned commercial, RA, and DCD districts by special use permit.
 - **Outdoor performance area.** Currently, the ordinance lists the following uses: Outdoor amphitheater; Outdoor drama theater, and Outdoor performance area. They are substantially similar, but with substantially different use permissions in different districts. The use “outdoor drama theater” is currently permitted by special use permit in the RA, outdoor amphitheater is permitted by special use permit in PD-MC, and outdoor performance area is permitted by right in DCD. As the “outdoor drama theater” special use permit appears to have only been applied for once in the history of the use, staff recommend consolidating the three uses into “outdoor performance area,” and removing the use from the RA until additional performance standards addressing RA entertainment and future uses can be undertaken.
 - **Cultural amenities.** Currently, the use Cultural arts center is permitted in the DCD, and Libraries, museums is permitted in C-1, CO, HC, PD-MC, and PD-SC and all industrial districts, with size and structure limitations. The definition of “Cultural arts center” is *an establishment for the presentation of art, scientific, cultural or historical materials, music, or live theatrical or musical productions, and which may include but are not limited to museums,*

noncommercial art galleries, arboreta, aquariums, botanical or zoological gardens, auditoriums, and music conservatories. While this definition is more expansive than the “Libraries, museums,” permitted in other districts, staff recommends combining the two uses under the term “Cultural amenities,” with the definition as given for “cultural arts center.” The uses described in the definition are substantially similar enough to “libraries, museums,” that permitting those uses would fall within the scope of a reasonable Zoning Administrator interpretation.

- **Farmers markets in industrial districts.** In most districts, farmers market permissions are divided into permanent farmers markets, which do not require an additional primary use of the property, and temporary farmers markets, where the farmers market may only be an accessory use of the property. However, in industrial districts, farmers market permissions are divided by structure types. Staff recommends revising the farmers market permissions for industrial districts to match the rest of the districts.