County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

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MEMORANDUM

AGENDA DATE:	28 July, 2026
TITLE:	Zoning Modernization Phase 2 – Articles 5 – Overlay Zoning Districts, and 6 – Use Matrix
SUBJECT:	Work session to bring language clarifications and drafted use consolidations to the Planning Commission for discussion.
ITEM TYPE:	Work Session
STAFF CONTACTS:	Svoboda, Brumfield, MacCall
PRESENTERS:	Lea Brumfield

BACKGROUND:

The Zoning Modernization project is a multi-year effort to rewrite the County's Zoning Ordinance so that it is easier to read, easier to administer, and consistent with current law and the AC44 Comprehensive Plan. The project has four broad aims:

- Rewrite ordinance language for clarity and ease of use.
- Streamline administrative processes.
- Update regulations to reflect modern best practices.
- Align the ordinance with the AC44 Comprehensive Plan.

The work is organized in three phases. Phase 1, foundational work, is complete. Phase 2, formatting modernization, and Phase 3, regulatory modernization, are underway and running concurrently. Tonight's work session is a Phase 2 item.

Phase 2 applies the plain-language principles, modern structure, and user-friendly formatting established in Phase 1 to the rest of the ordinance. It reorganizes and reformats the code without changing what is or is not allowed. The goals of Phase 2 are:

- User-friendly formatting with consistent numbering, clear headings, and improved cross-references.
- Conversion of dense legal language into plain, active-voice regulations.
- Consolidation of use standards from multiple scattered sections into a single, organized article.
- Removal of duplicative or redundant regulations.
- Updates to comply with the Code of Virginia.
- A simplified development review process.

Articles 1, 2, 3, and 10 have already been drafted in this new format, and the Board has approved the Phase 3 prioritization. Articles 5 and 6 are the subject of this work session.

What this phase is not

Phase 2 is not a policy rewrite. It does not substantially change which uses are permitted, add or remove requirements, or alter the substance of any regulation, except where a change is required by the Code of Virginia or is flagged below for the Commission's discussion. Substantive policy questions are the work of Phase 3. Where this draft appears to change a

permission, that change is either (1) required by state law, (2) a clarification that names something already allowed, or (3) called out below as a change for discussion.

DISCUSSION:

The intent of this phase of work is to preserve existing permissions. The bulk of the changes are structural. Staff have highlighted changes of interest below, with clarifications or discussion questions highlighted as necessary.

General Changes

- Consistent with the approach established in Article 3, application requirements for individual applications have been moved out of the ordinance text and will be listed on the applications themselves. This keeps the ordinance focused on standards rather than submittal checklists and lets staff update forms without a text amendment.
- Per Planning Commission recommendation at the work session on 12 May, 2026, the use of **Minor temporary events** is added to the use tables. This codifies an existing practice. Performance standards for temporary events will be brought forward in the fall under Article 7 - Performance Standards. Minor temporary events include uses like 5ks, church bazaars, single-vendor parking lot events, and fundraisers not rising to the level of a major temporary event.
- Per Planning Commission recommendation at the work session on 12 May, 2026, the permissions division for **farmers markets** in industrial districts was aligned to mirror the permissions division for farmers markets in all other districts.

Article 5 – Overlay Zoning Districts

- Article 5 consolidates the County's overlay districts into a single, consistently formatted article. Staff worked with the County Engineer and Architectural Review Board (ARB) staff throughout the rewrite to confirm that the reformatted language matches current regulations and practice. Due to the detailed nature of the Flood Hazard Overlay District, and its reliance on federal level regulations, very few of the Flood Hazard Overlay District regulations were able to be consolidated or simplified.
- As a zoning text amendment is currently underway to modify permissions for certain types of "outdoor storage and display" within the Entrance Corridor Overlay District, the draft reserves that language rather than restating it or inserting unapproved language.

Article 6 – Use Matrix

Article 6 pulls the use regulations that are currently scattered across the district sections into a single set of use tables. The reorganization involves four main moves:

- **Category consolidation.** Similar individually listed uses are grouped under clear, consolidated use categories. (Att. 5)
- **Major and minor language changes.** Terminology is standardized and plain-language edits are applied throughout the tables.
- **Moving "referred" uses into the tables.** Uses that the current ordinance handles by cross-reference are now shown directly in the tables so a reader can see the permission in one place.
- **All districts uses.** For clarity, several uses applicable to all districts that currently sit in Section 4 of the existing ordinance are now listed in the Use Table. These include *special lots*, *temporary industrialized buildings*, *accessory solar and battery facilities*, and *temporary family health care structures*. This is a placement change, not a permission change.

Changes to note (no policy change)

The following are consequences of consolidation and cleanup, but do not constitute a substantive policy or regulatory change. These changes are highlighted below for clarification.

- **Codification of Flood Hazard Overlay District terms.** The draft adds to the Definitions Article three definitions regularly used in the application of the Flood Hazard Overlay District. They restate established floodplain-management terms and do not change how the overlay is applied:

- *Floodway fringe.* The portion of the floodplain subject to a one percent or greater chance of flooding in any given year that lies between the regulatory floodway and the outer limits of the special flood hazard area shown on the Flood Insurance Rate Map.
- *Regulatory floodway.* The channel of a river or other watercourse, and the adjacent land areas that must be reserved to discharge the base flood without cumulatively raising the water surface elevation more than one foot.
- *Structure.* Anything constructed or erected whose use requires a permanent location on the ground, or attachment to something with a permanent location on the ground, such as dwellings and buildings. Signs are excluded when determining setbacks. For floodplain-management purposes, "structure" means a walled and roofed building that is principally above ground, including a gas or liquid storage tank and a manufactured home.

- **Hog farms in the Rural Areas (RA) district.** Hog farms are currently allowed in RA as part of agriculture but were not listed by name. They are now named explicitly, matching how they are already listed in the Village Residential (VR) district. This is a labeling change; the permission is unchanged. Their definition is reserved pending discussions regarding large scale, intensive agricultural operations.
- **Private airports, heliports, and helistops.** These substantially similar uses are consolidated. The consolidation extends the use into the Monticello Historic District (MHD), where it requires a special use permit (SP).
- **Manufactured home parks → manufactured home communities.** The use is renamed to "manufactured home community." The permission is unchanged.
- **Individual manufactured homes.** Regulations that permit or restrict individual manufactured homes are removed. Under current Virginia Code, a manufactured home is allowed anywhere a single-family, site-built home is allowed, so these provisions are no longer enforceable. [Virginia Assembly HB 655 and SB 346, 2026.]
- **Utilities.** Distribution of utilities is folded into "public uses, services, and utilities." Transmission of utilities remains a special use permit. No permission changes.
- **Renewable energy systems.** Renewable energy is organized into three classes, with no change to where each is allowed:
  - Accessory solar and accessory battery storage – permitted as an accessory use in all districts, consistent with Virginia Code.
  - Minor systems – solar systems under 21 acres and small wind turbines. Permitted only in RA.
  - Major systems – solar systems over 21 acres and hydroelectric systems. Permitted only by special use permit in RA.

Changes for discussion (potential policy change)

Staff requests the Commission discuss the following uses for consistency with the Comprehensive Plan:

- **Remove crematorium from RA.** A crematorium is inconsistent with the character and purpose of the Rural Areas district. Staff recommends removing it as a listed RA use.
- **Remove outdoor drama theater from RA.** This use is not currently active use in the County, and has not been applied for since shortly following its adoption. Similar uses will be reviewed as part of the Rural Areas Plan, so staff recommends removing it now rather than carrying it forward.
- **Combine agricultural museums and historical centers.** These are similar uses that serve similar purposes in the County, so the draft combines them. Combining them does extend agricultural museum permissions across the residential districts. Staff views this as consistent with Albemarle's history and the importance of agriculture in the County, but flags the expansion for the Commission.
- **Remove livestock sales from HC.** Livestock sales is inconsistent with the character and purpose of the Highway Commercial (HC) zoning district. Staff recommends removing it as a listed HC use.
- **Neighborhood retail and services.** This newly named use is a consolidation of the uses currently listed as "supportive commercial" and commercial under 4,000 sf in size. The 4,000 sf size limitation will be listed under Article 7 – Performance Standards. To create clarity for the purposes of this use, the term is defined as:

- *Neighborhood retail and services.* "Neighborhood retail and services" means small-scale retail sales and personal or business service establishments intended primarily to serve the daily needs of the surrounding neighborhood.

- **Retail sales and service, general.** This use contrasts with the neighborhood-scale retail and service use in potential scale, and is primarily permitted in commercial districts. It is defined as:
  - *Retail sales and service, general*. "Retail sales and service, general" means an establishment engaged in the sale or rental of goods, or the provision of services, directly to the general public and conducted primarily within an enclosed building.
- **Site-intensive commercial.** This use consolidates primarily automotive-focused or medium-impact uses without adjusting use permissions. The use is defined as:
  - *Site-intensive commercial*. "Site-intensive commercial" means a commercial use characterized by reliance on substantial outdoor area or large-scale site infrastructure to conduct its primary operations. Site-intensive commercial uses include those involving the outdoor display, storage, sale, service, or distribution of large goods, bulk materials, vehicles, or equipment, as well as uses that require permanent site infrastructure such as wash bays, fueling facilities, or service yards. A site-intensive commercial use generally cannot be conducted entirely within an enclosed building.

WORK SESSION QUESTIONS:

- Are the new use category names clear and intuitive?
- Are the use table layouts and formatting clear and intuitive?
- Do any terms read as ambiguous, or could any be confused with a different use?
- Are the changes flagged above for discussion consistent with the goals and vision of the Comprehensive Plan?

ATTACHMENTS:

Attachment 1 – ZTA202200002 Zoning Modernization Phase 2 - Article 2 – Administration Draft (newly moved Floodplain Administrator section highlighted)

Attachment 2 - ZTA202200002 Zoning Modernization Phase 2 - Article 5 – Overlay Zoning Districts Draft

Attachment 3 - ZTA202200002 Zoning Modernization Phase 2 - Article 6 – Use Tables Draft

Attachment 4 - ZTA202200002 Zoning Modernization Phase 2 - Drafted definitions

Attachment 5 - ZTA202200002 Zoning Modernization Phase 2 - Consolidated and renamed uses

Attachment 6 – ZTA202200002 Zoning Modernization Phase 2 - Ordinance Outline