

11.0 COMMERCIAL DISTRICT – C

11.1 INTENT, WHERE PERMITTED

It is intended that the commercial district hereby and hereafter created shall be for the purposes of providing places to conduct commerce and business as well as to provide places of employment and strengthen the local economic base. To these ends, activities involving retail, wholesale and service business shall be permitted at appropriate locations within areas designated as the uptown and downtown commercial centers in the comprehensive plan. A review of transportation impacts shall be a major consideration in the establishment and development of all commercial districts.

11.2 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental shall be permitted, provided establishment of the same shall not be permitted until construction has commenced on the principal building or the principal use has been established; and provided further that in no case shall a parking structure other than a parking lot or garage located entirely at and/or below grade, be deemed to be accessory to any use in any commercial district. In no case shall a drive-in window be deemed to be accessory to any use in any commercial district.

11.3 OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading space requirements shall be in accordance with section 4.11, *Off-Street Parking and Loading Requirements*.

11.4 HEIGHT REGULATIONS

Except as otherwise provided in section 4.9, *Height of Building and Other Structures*, structures may be erected to a height not to exceed thirty-five (35) feet.

11.5 SIGN REGULATIONS (Amended 5-21-2001)

Sign regulations shall be as prescribed in section 4.14, *Signs*.

11.6 MINIMUM LANDSCAPED AREA

See site development plan requirements section 24.11.9, *Landscaping and Screening Requirements*.

11.7 MINIMUM YARD REQUIREMENTS

11.7.1 ADJACENT TO PUBLIC STREETS IN THE UPTOWN COMMERCIAL CENTER

No portion of any structure, except signs, shall be erected closer than thirty (30) feet to any public street right-of-way. No off-street parking or loading space shall be located closer than ten (10) feet to any public street right-of-way.

11.7.2 ADJACENT TO RESIDENTIAL AND RURAL AREAS DISTRICTS

No portion of any structure, excluding signs, shall be located closer than fifty (50) feet to any residential or rural areas district. No off-street parking or loading space shall be located closer than twenty (20) feet to any residential or rural areas district.

11.7.3 BUFFER ZONE ADJACENT TO RESIDENTIAL AND RURAL AREAS DISTRICTS

No construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 24.11.9, *Landscaping and Screening Requirements*.

Except, the Planning Commission may waive this requirement in a particular case where it has been demonstrated that grading or clearing is necessary or would result in an improved site design, provided that:

- a. Minimum screening requirements are met; and
- b. Existing landscaping in excess of minimum requirements is substantially restored.

11.8 UTILITY REQUIREMENTS

All utility lines are to be placed underground where practical.

11.9 BUILDING SEPARATION

Whether or not located on the same parcel, main structures shall be constructed and separated in accordance with Table 401 Fire Resistance Ratings of Structure Elements of the BOCA Basic Building Code, 1994 Edition or its equivalent in the current edition of the BOCA Basic Building Code.

11.10 PERMITTED USES

11.10.1 BY RIGHT

The following uses shall be permitted in any C district subject to the requirements and limitations of these regulations. The Zoning Administrator, after consultation with the Planning Commission and approval of the Town Council, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the Zoning Administrator's decision shall be as generally provided in section 22.3, *Appeals to the Board of Zoning Appeals*.

- a. The following retail sales and service establishments:
 1. Antique, gift, jewelry, notion and craft shops.
 2. Clothing, apparel and shoe shops.
 3. Department store.
 4. Drug store, pharmacy.
 5. Florist.
 6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
 7. Furniture and home appliances (sales and service).

8. Hardware store.
 9. Musical instruments.
 10. Newsstands, magazines, pipe and tobacco shops.
 11. Optical goods.
 12. Photographic goods.
 13. Visual and audio appliances.
 14. Sporting goods.
 15. Retail nurseries and greenhouses.
- b. The following services and public establishments:
1. Administrative and business offices.
 2. Professional offices, including medical, dental and optical.
 3. Barber, beauty shops.
 4. Churches, cemeteries.
 5. Clubs, lodges, civic, fraternal, patriotic.
 6. Eating establishments. (Amended 7-18-2011)
 7. Financial institutions.
 8. Fire and rescue squad stations (reference 5.1.3, *Fire, Ambulance, Rescue Squad Station (Volunteer)*).
 9. Funeral homes.
 10. Health spas.
 11. Indoor theaters.
 12. Laundries, dry cleaners.
 13. Libraries, museums.
 14. Nurseries, day care centers (reference 5.1.1, *Day Care, Nursery Facility*).
 15. Tailor, seamstress.
 16. 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.

17. 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.]

18. Temporary construction uses (reference 5.1.10, *Temporary Construction Headquarters, Yards*).

19. Medical center.

20. Indoor athletic facilities.

21. Accessory uses and structures incidental to the principal uses provided herein. Such uses in combination shall not occupy more than twenty (20) percent of the floor area of buildings on the site. The following accessory uses shall be permitted:

(a) Eating establishments.

(b) Newsstands.

(c) Establishments for the sale of office supplies and service of office equipment.

(d) Data processing services.

(e) Central reproduction and mailing services and the like.

(f) 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.

(g) 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.

22. Certain services that are not located in a historic overlay district. The following accessory uses shall be permitted by right, excepting in a historic district:

(a) Laundromat (provided that an attendant shall be on duty at all hours during operation).

(b) Automobile service stations (reference 5.1.12, *Sale and/or Storage of Petroleum Products including Kerosene, Gasoline, and Heating Oil*, 5.1.17, *Towing and Temporary Storage of Motor Vehicles*, 5.1.18, *Exterior Storage, Display of Motor Vehicles and Vehicle Components*).

23. Certain mixed use buildings, apartments and other multiple family dwellings as provided for in section 18.3.5, *Permitted Uses*, of the *Historic Overlay District*.

c. The following low impact arts and crafts, and services: (Added 3-20-2000)

Uses may include the fabrication, treatment, packaging and incidental storage of such products as are listed herein for exhibition and retail sale on premises. Such uses shall not have discernible impacts of noise, odor, light glare, vibration or emissions at the property line. For the purposes of this section, the word *discernible* shall be defined as able to clearly distinguish from the ambient background as determined by the Zoning Administrator, and may impose a more restrictive performance standard than permitted in section 4.13, *Performance Standards*. Otherwise permitted uses that entail an on-site kiln, forge, or other hazardous appliance or equipment, volatile fluids or materials, or other hazardous conditions shall not be a use permitted by right.

Arts and crafts, and services producing the following handmade products and complying with the above:

1. Paintings, drawings, engravings;
2. Fabric art;
3. Pottery, ceramic art, enameling;
4. Jewelry, silverware;
5. Glassware, crystal engravings;
6. Basketry;
7. Collage, papermaking, paper art;
8. Prints, silk screens;
9. Toys, dolls, miniatures;
10. Bookbinding;
11. Leather items;
12. Stained glass items;
13. Watches, clocks;
14. Furniture upholstery, repair.

11.10.2 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. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
- b. Hotels, motels and inns.
- c. Parking structures located wholly or partly above grade.

- d. Automobile service stations (reference 5.1.12, *Sale and/or Storage of Petroleum Products including Kerosene, Gasoline, and Heating Oil*, 5.1.17, *Towing and Temporary Storage of Motor Vehicles*, 5.1.18, *Exterior Storage, Display of Motor Vehicles and Vehicle Components*) located in a historic overlay district.
- e. Laundromat located in a historic overlay district (provided that an attendant shall be on duty at all hours during operation).
- f. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
- g. Laboratories, medical or pharmaceutical.
- h. Community center.
- i. Clubs, lodges, civic, fraternal, patriotic.
- j. Fire and rescue squad stations (reference 5.1.3, *Fire, Ambulance, Rescue Squad Station (Volunteer)*).
- k. Private schools.
- l. Rest home, nursing home, convalescent home, orphanage or similar institution (reference 5.1.7, *Rest Home, Nursing Home, Convalescent Home, Orphanage*).
- m. Certain residential uses as follows:
 - 1. Detached single-family dwellings.
 - 2. Semi-detached and attached single-family dwellings such as duplexes, triplexes, 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.
 - 3. Multiple-family dwellings such as garden apartments.
 - 4. Cluster development of permitted residential uses.
 - 5. 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 lot.
 - 6. Homes for developmentally disabled persons (reference 5.1.2, *Home for Developmentally Disabled Persons*).
 - 7. Boarding houses.
 - 8. Tourist lodgings (reference 5.1.9, *Tourist Lodging*).
 - 9. Accessory uses and buildings, including home occupation Classes A and B (reference 5.2, *Home Occupations*) and storage buildings.

n. Certain arts and crafts, services, and light assembly. (Added 3-20-2000)

Uses may include the fabrication, treatment, packaging, and incidental storage of such products as are listed herein. Such uses shall not have discernible impacts of noise, odor, light, glare, vibration or emissions at the property line. For the purposes of this section, the word *discernible* shall be defined by the performance standards of section 4.13, *Performance Standards*; however, the conditions imposed by the Town Council may set more restrictive performance standards than permitted in section 4.13.

Arts and crafts, services, and light assembly producing the following products and services and complying with the above:

1. Sculpture in the media of wood, stone, and metal;
2. Iron goods;
3. Handcrafted furniture, cabinets;
4. Small decorative foods, fixtures;
5. Sports equipment and gear (not to include firearms);
6. Musical instruments;
7. Any other uses that are otherwise permitted by right but are excluded for the reason that they involve a kiln, forge, or other hazardous appliance, material, or condition on site or do not include retail sales on premises.

The Zoning Administrator, after consultation with the Planning Commission and approval of Town Council, may include a use not identified, but similar to and with no greater impact than, those listed above (reference guidance in section 11.10.1).

When considering a special use permit for arts and crafts, services, and light assembly that are to be located within a historic overlay district (H), conditions shall be imposed as necessary to maintain the higher standards and objective of the H district.

o. Microbrewery. (Added 5-16-2011)

11.10.3 BY SPECIAL USE PERMIT, EXCEPT IN A HISTORIC OVERLAY DISTRICT

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*, except in a historic overlay district:

- a. 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*).
- b. Hospitals.
- c. (Removed 7-18-2011)
- d. Veterinary office and hospital (reference 5.1.5, *Commercial Kennel, Veterinary, Animal Hospital*).

- e. Motor vehicle sales and rental.
- f. Drive-in windows serving or associated with permitted uses.
- g. Automobile, truck repair and/or body shop, permitted in the uptown commercial center only.
- h. Research and development activities including experimental testing.
- i. Automobile and/or truck wash.
- j. Swim, golf, tennis or similar athletic facilities (reference 5.1.8, *Swimming, Golf, Tennis Clubs*).