

Sec. 4.10 - Height of building and other structures.



Sec. 4.10.1 - Intent.



It is the intent of these height regulations to secure safety, to provide adequate light and air, and to protect the character of districts and the interests of the general public. To accomplish these purposes, the following requirements and limitations are established.

Sec. 4.10.2 - Fire and safety requirements.



Sec. 4.10.2.1 - Fire protection.



No building exceeding 35 feet in height above grade shall be erected without certification from the Albemarle County fire official that such building, as proposed to be located, constructed and equipped, and particularly occupants of upper stories, can be properly protected in case of fire. In the case of structures other than buildings exceeding 35 feet in height, the commission may require such certification where a determination is made that there is substantial fire danger to such structure or to surrounding properties.

Sec. 4.10.2.2 - Aerial navigation.



No building or other structure shall be located in a manner or built to a height which constitutes a danger to aerial navigation. In such case where the commission believes a danger to navigation may result, such structure shall not be located or erected without certification from the Federal Aviation Administration and the Virginia Department of Aviation that such structure will not reasonably constitute a danger to air traffic. No building or structure exceeding 150 feet in height above ground level (AGL) shall be located or erected until certification for the same has been obtained from the Virginia Department of Aviation.

Sec. 4.10.3 - Height limitation—Exceptions.



The following exceptions to height limitations for certain buildings and structures shall be permitted provided that no building or structure shall be exempt from the requirements of [section 4.10.2.2](#).

Sec. 4.10.3.1 - Exceptions—Excluded from application.



The structures identified below shall be subject to height limitations as follows:

- a. The height limitations of this chapter shall not apply to barns, silos, farm buildings, agricultural museums designed to appear as traditional farm buildings, residential chimneys, spires, flag poles, monuments, transmission towers and cables, smokestacks, water tanks, or radio or television antennas or towers.
- b. Any structure identified in subsection (a), other than one now or hereafter located on an existing public utility easement, shall not: (1) be located closer in distance to any lot line than the height of the structure; and (2) within a residential district, exceed 100 feet in height, except for telecommunications facilities owned or operated in whole or in part by the county, which shall not exceed 115 feet in height.
- c. The Board of Supervisors may modify or waive either requirement of subsection (b) in an individual case if it determines that the public health, safety or welfare would be equally or better served by the modification or waiver. In granting such modification or waiver, the Board of Supervisors may impose such conditions as it deems necessary to protect the public health, safety or welfare.

(12-10-80; 12-20-89; [Ord. 01-18\(4\)](#), 5-9-01; [Ord. 01-18\(5\)](#), 5-16-01; [Ord. 21-18\(5\)](#), 12-1-21)

Sec. 4.10.3.2 - Exceptions—Limited.



The following structures are excepted from the height limitations in the applicable zoning districts:

- a. Towers, gables, penthouses, scenery lofts, cupolas, similar structures and necessary mechanical appurtenances may be erected on a building to a height 20 percent greater than the limit established for the district in which the building is located, provided that no such exception shall be used for sleeping or housekeeping purposes or for any commercial or industrial purpose; and provided further that access by the general public to any such area shall be expressly prohibited.
- b. Poles that support outdoor luminaires for lighting athletic facilities, subject to approval of a modification by the Board of Supervisors as provided in [section 4.17.5\(a\)\(3\)](#).

(12-10-80; [Ord. 08-18\(5\)](#), 7-9-08; [Ord. 21-18\(5\)](#), 12-1-21)

Sec. 4.10.3.3 - Parapet walls, cornices, etc.



A parapet wall, cornice or similar projection may exceed the height limit established for the district by no more than four feet. (Amended 12-16-81; 9-9-92)

Sec. 4.10.3.4 - Accessory buildings in residential districts.



Except as permitted by the provisions of [section 4.10.3.1](#), no accessory building in a residential district shall exceed a height of 24 feet. 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 residential district. (Amended 11-7-84)