

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 5, 2019, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from May 15, 2019.

PRESENT: Mr. Norman G. Dill, Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Rick Randolph.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, Deputy County Executive, Doug Walker, Assistant County Executive, Trevor Henry, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 9:02 a.m., by the Chair, Mr. Gallaway.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

During the Moment of Silence, Mr. Gallaway asked that everyone keep in mind the families of those who lost their lives or who were injured in the senseless act of violence that occurred at the Virginia Beach Municipal Center.

Ms. McKeel recognized that in January 2019 there were 28 mass shootings, in February there were 22, in March there were 21, in April there were 34, and in May there were 43. She said that mass shootings are defined as "incidents that involve either three or four victims," depending on the locality. She cited the following additional statistics for mass shootings: January 2019, 36 deaths and 92 injured; February, 41 deaths and 68 injured; March, 13 deaths, 89 injured; April, 30 deaths, 138 injured; and May, 29 deaths, 198 injured; for a total during this period 585 people.

Mr. Randolph read the following letter he received from Robert (Bobby) Dwyer, Mayor of Virginia Beach, in response to a letter he addressed to the Virginia Beach City Council on behalf of the Board of Supervisors, as follows:

"From the bottom of my heart, thank you so much for your outpouring of support in response to the horrific shooting that has devastated our community. Your kind words and offers of help have been generous and sustaining as we respond to this tragedy and work to provide help to those in need. My deepest condolences go to the families of our colleagues and family members that we lost, many of whom were lifelong public servants. I pray for our injured community members and would work to make sure that the mental and physical health of our City staff are taken care of during this time of grieving. I'm so proud of and thankful for our Police Department, led by Chief James Servera, and all of the first responders that helped save lives and our City employees, who were both victims of the violence and were on the front lines of being in the immediate aftermath. We continue to extend our sincere appreciation and thanks to the countless volunteers and concerned citizens who are helping to make sure our community joins together to grieve and heal. For those looking for a way to help and those of you listening, we have set up a web page with additional information and resources: <https://loveforvb.com/>. Thank you again from all of us in Virginia Beach, Sincerely, Robert (Bobby) M. Dwyer, Mayor, City of Virginia Beach."

Mr. Randolph stated that if it could happen in Virginia Beach, it could happen anywhere in the United States. He also said that County employees are vulnerable, as more people die from gun violence each year than from automobile accidents. He remarked that hopes and prayers are still cited by the President of the United States as the panacea for an epidemic of gun violence in America.

Ms. McKeel remarked that 3 million children in this country are exposed to gun violence every year.

Ms. Mallek said she hopes the summer session of the legislature would give them some other possibilities.

Mr. Randolph suggested the Board offer its support for the Governor's proposed ban on weapons in municipal buildings, as this would be easy to do. He said that nobody in the National Rifle Association should be opposed to this, as a first step and as they look at more aspects of the Governor's proposed legislation to support during the summer.

Ms. Palmer thanked Mr. Randolph for sending the letter to Virginia Beach and expressed her agreement with the comments made by other Supervisors.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel **moved** that the Board approve the Final Agenda. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Mr. Gallaway recognized County staff at the dais.

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek informed the Board that she has been asked to join the Chesapeake Bay Preservation Act working group, which would begin holding meetings in July. She noted that there has been discussion about expanding tenants of the Act west of I-95, which the working group would discuss. She said she would report back to the Board with any developments.

Ms. Mallek said she attended a celebration at UVA Alumni Hall commemorating the 400th anniversary of the establishment of the General Assembly and noted that there would be activities held throughout the year across the Commonwealth to commemorate America Evolution 2019.

Ms. Mallek announced that she attended the CVEC awards with Mr. Walker, Economic Development Director, Mr. Roger Johnson, and other staff. She said that Elizabeth Tikoyen, a third-year student at UVA, received the Entrepreneur of the Year Grant for her development of a communication network for people with disabilities and spoke to the attendees. She noted that in her conversations with area business leaders, she received positive feedback about working with the County.

Ms. Mallek announced that she attended the 26th annual Memorial Day ceremony, sponsored by VFW Post 2044, and remarked that it was the most wonderful one she has attended because of the address given by retired Col. Steven Craten, who spoke about the services offered in recognition of fallen soldiers.

Ms., Mallek said they had a great roll call event, organized by Rivanna Station and 25 veterans' benefits agencies, where service veterans and agencies learned about each other and the services they offer, and she acknowledged the participation of Trevor Henry.

Mr. Randolph announced that he participated in a cleanup sponsored by Chesapeake Bay Foundation and was happy to see Charlottesville Vice-Mayor, Heather Hill, participate in a cleanup of the creek that runs through the City and then underground to Elliot Street, across from the Newsplex building.

Mr. Randolph announced that he attended a Memorial Day celebration in honor of the Blue Star Memorial at Monticello Memorial Gardens on Route 53 in recognition of a WWII and Korean War Coast Guard veteran. He said that he met the veteran's widow, son-in-law, and daughter, who were somewhat apologetic that he had served in the Coast Guard. Mr. Randolph noted that he emphasized the pivotal role played by the Coast Guard and said the veteran had suffered shrapnel wounds from a German dive bomber in Italy.

Mr. Randolph announced that the guest speaker at the Monticello July 4th celebration would be Dr. Khizr Khan, whose son was killed in action.

Mr. Randolph commended County employees who participated in the previous week's American Red Cross Blood Drive, noted that they were still short of Type O blood, and encouraged people to donate.

Ms. Palmer stated that with July 4th approaching, there are County veterans with PTSD, and she wants to have a discussion to determine if there was a way to have those who would be setting off fireworks to notify the County in order to accommodate these veterans. She said she received a letter about this from a resident who was concerned about fireworks at Birdwood.

Ms. Palmer announced that the County has been awarded the Charlottesville Area Community Foundation grant for Strengthening Systems, which would be \$100,000 per year for three years, in recognition of the Community Center at Yancey School. She thanked Siri Russell and others who worked on this project and said the grant would enable them to hire someone to coordinate services at the center.

Mr. Dill announced that he attended a Memorial Day wreath laying ceremony at the Charlottesville Pavilion, at which the new Chief of Rivanna Station spoke.

Mr. Dill mentioned that the primary election would be held on June 11, and he encouraged all residents to exercise their right to vote.

Mr. Randolph recognized that July 4th fireworks are also frightful for many pets.

Ms. Palmer asked that people be cognizant about the summer heat and leaving animals in vehicles.

Ms. McKeel added that people should also be reminded about this for their children.

Ms. Mallek remarked that in Charlottesville, the police would take action if they observe animals or children in a parked car, and she asked Mr. Kamptner to research whether or not the County has the ability to do this.

Mr. Gallaway commented that the Board meeting began at 9:00 a.m. today to allow Supervisors the ability to attend Monticello High School's graduation ceremony this evening. He informed the Board that he would leave the meeting in 20 minutes to teach a class at PVCC and would rejoin the meeting after the class.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Dr. Daniela Pretzer, Executive Director of the Bridge Line, addressed the Board. She said her organization serves adults with brain injuries resulting from tumors, strokes, trauma, and infection, with both a residential and a day program, pre-vocational training, and case management, to residents of Charlottesville and ten surrounding counties. She thanked the Board for its third consecutive year of financial support, which Bridge Line would apply directly to services for people in their program. She said they did receive a City grant for the past six years, looks forward to the Board's discussion about the ABRT grant, and expressed her appreciation to the Board for its work.

Agenda Item No. 8. Consent Agenda.

Mr. Dill **moved** that the Board approve the Consent Agenda. The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Item No. 8.1 Approval of Minutes: January 9, January 16, January 30, February 15, February 19, and February 26, 2019.

Mr. Gallaway had read the minutes of January 9, 2019, and found them to be in order.

Mr. Randolph had read the minutes of January 16, 2019, and found them to be in order.

Ms. McKeel had read the minutes of January 30, 2019, and found them to be in order.

Mr. Dill had read the minutes of February 15, 2019, and found them to be in order.

Ms. Palmer had read the minutes of February 19, 2019, and found them to be in order.

Ms. Mallek had read the minutes of February 26, 2019, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 8.2. Albemarle County Fire Rescue Standards of Response Coverage.

The Executive Summary forwarded to the Board states that in 2016, Albemarle County Fire Rescue (ACFR) contracted with Fitch & Associates (Fitch) to evaluate the fire department's operations, deployment, and staffing and develop a comprehensive deployment and staffing plan referred to as a Standards of Response Coverage (SOC). Fitch followed the standards set out by the Commission on Fire Accreditation International (CFAI) Standards of Cover process, which uses a systems approach for deployment rather than a "one-size-fits-all" prescriptive formula. This comprehensive approach allows agencies to match local community needs (risks and expectations) with the appropriate level of service to operate in a safe, efficient and effective manner.

During the study, Fitch met with a variety of ACFR career and volunteer leadership to gather information about the system and our existing response model. Using national, state, and local standards, as well as information guidelines set forth by organizations such as the CFAI, the National Fire Protection Association (NFPA), and the Insurance Services Organization (ISO), Fitch evaluated the current response model, as well as the risk profile of Albemarle County, to develop a risk-based, data-driven staffing and deployment plan for ACFR.

At the July 5, 2018 Board meeting, ACFR staff and members of Fitch presented the results of the Standard of Cover Analysis and recommended performance measures. At that time, the Board raised concerns about Fire and EMS (FEMS) Board support for the service objectives in the SOC. Since that

meeting, ACFR leadership has worked closely with FEMS Board leadership, as well as other key volunteer personnel, on the data and service objectives that are included in the SOC. The objectives recommended to the Board of Supervisors today were approved unanimously by the FEMS Board at its April 24, 2019 meeting.

The SOC is a set of adopted, written policies and procedures that determines the distribution, concentration and reliability of fixed and mobile response forces for fire, emergency medical services, hazardous materials and other forces of technical response. It is a tool that:

- evaluates and defines an agency’s baseline of operations;
- identifies benchmarks for achieving an agency’s goals and objectives;
- determines levels of service; and
- measures an agency’s performance over different budget or operational years.

This SOC was developed through a collaborative process that included internal and external stakeholders, as well as industry experts. It includes a thorough risk assessment of the community, an evaluation of the current capabilities of ACFR, and a specific set of service level objectives to measure performance. Adopting the service level objectives included in the SOC ensures that ACFR provides a safe and effective response force for emergency medical services, fire suppression, and specialty response situations.

This request will have no impact on the FY 20 operating budget. Additionally, this request does not obligate the Board of Supervisors to appropriate funds. Instead, this will allow the Board of Supervisors to consider objective performance measures, community risk, and appropriate service levels.

Staff recommends that the Board adopt the following service objectives:

Type of Measure	Performance Metric*	Development	Rural	Review Period
Station/Unit Performance	Response Time	≤8 Min at 90%	≤21 Min at 90%	Quarterly
	Travel Time	≤6 Min at 90%	≤15 Min at 90%	Quarterly
	Minimum Engine Staffing	≥3 Firefighters	≥3 Firefighters	Daily
	Minimum Ambulance Staffing	≥1 EMT and ≥1 EVOC	≥1 EMT and ≥1 EVOC	Daily
	Minimum ALS Staffing	≥1 EMT-Intermediate or Paramedic	≥1 EMT-Intermediate or Paramedic	Daily
	Percentage of Calls with a “failed response”	≤3%	≤3%	Quarterly
System Design and Performance	District Risk Rating	Increases in Risk to Moderate or High	Increases in Risk to Moderate or High	Annually
	Reliability	≥90%	≥90%	Quarterly
	Call Concurrency	≤15%	≤15%	Quarterly
	Call Volume	3,000 – Initial 500 – Ongoing	1,800 – Initial 300 - Ongoing	Annually
	Unit Hour Utilization	≤0.25 on 24-hour units ≤0.50 on 12-hour units	≤0.25 on 24-hour units ≤0.50 on 12-hour units	Quarterly
	Cross-Staffing	<1,800 annual calls and <15% Call Concurrency	<1,800 annual calls and <15% Call Concurrency	Annually

* Non-emergent incidents are excluded from the performance analysis.

By the above-recorded vote, the Board adopted the Albemarle County Fire Rescue service objectives, as set out above in the Executive Summary.

Item No. 8.3. Resolution to accept road(s) in the Foothills Crossing II/Park Ridge Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following Resolution to accept road(s) in the Foothills Crossing II/Park Ridge Subdivision into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of June 2019, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Foothills Crossing II/Park Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 5, 2019**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Foothills Crossing II/Park Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **June 5, 2019**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

- 1) **Park Ridge Drive (State Route 1250)** from the current end of state maintenance, to 0.19 miles west to end of state maintenance, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2525, page 75, for a length of 0.19 miles.

Total Mileage – 0.19

Item No. 8.4. Special Exception: ZMA2002-00002 Hollymead Town Center, Abington Place.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception to vary the Code of Development (COD) for Hollymead Town Center, specifically in Block VII, to allow the maximum number of dwelling units to increase by eight (8) units. The COD allows a maximum of 72 residential units at a density of 33.34 units/acre. The change to the COD will result in 80 units at a density of 37.04 units/acre. The overall density of the development will remain the same with a maximum of 370 dwelling units.

In addition, there is an existing mixed use building on the property with a 23,000 square foot footprint that the owner wants to be residential only. The special exception request also includes a revision to the text of the COD to allow a building with a footprint exceeding 20,000 square feet to be a residential use only building.

County Code §§ 18-8.5.5.3 and 18-33.49 allow special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.49 requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Please see Attachment B for full details of staff's analysis.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception.

By the above-recorded vote, the Board adopted the following resolution to approve the special exception, subject to conditions:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA2002-00002 HOLLYMEAD TOWN CENTER
TO VARY BLOCK VII IN TABLE B WITHIN THE CODE OF DEVELOPMENT**

WHEREAS, the Owner of Tax Map Parcel Numbers 032B0-01-00-000A0 and 032B0-01-00-101A0 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA2002-00002 Hollymead Town Center to vary the maximum number of dwelling units in Block VII as shown on the Exhibit entitled "Proposed Changes to Existing Code of Development" dated August 2017, and to revise the narrative for Table D to allow the existing building with a footprint exceeding 20,000 square feet to be a residential use only building.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the

special exception to vary the Code of Development approved in conjunction with ZMA2002-00002 Hollymead Town Center, as described hereinabove, subject to the conditions attached hereto.

**Special Exception to Vary ZMA2002-002 Hollymead Town Center
Code of Development Special Exception Condition(s)**

1. The maximum number of units permitted in Block VII of the Abington Place at Hollymead Town Center Area D ("Block VII") shall be eighty (80) units.
2. The maximum total number of units in the Hollymead Town Center Area D development shall be (unchanged at) three hundred seventy (370) units.
3. Allow a building footprint of not more than twenty-five thousand (25,000) square feet in Block VII for a residential use only building.

Item No. 8.5. Request for Special Exception to building height for proposed Hyatt Hotel under Section 18-8.2 of the Zoning Ordinance.

The Executive Summary forwarded to the Board states that the subject property for the "Stonefield" development is zoned NMD (Neighborhood Model District), per approved ZMA200100007 and per updated application plan ZMA201300009. Special exceptions to vary from the provisions contained in the approved Code of Development for properties in the NMD district may be granted by the Board of Supervisors, pursuant to County Code § 18-8.5.5.3 and § 18-33.49.

The applicant (Charles MacFarlane, MacFarlane Partners LLC) has requested a special exception to vary the approved Code of Development per ZMA200100007 (Stonefield, formerly Albemarle Place):

1. Variation request to modify (increase) the maximum number of stories in Block C2-I from five (5) stories to six (6) stories pursuant to County Code § 18-8.5.5.3(a)(1).

Please see Attachment B for staff's full analysis.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception request.

By the above-recorded vote, the Board adopted the following resolution to approve the special exception request:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION TO VARY
THE CODE OF DEVELOPMENT FOR
ZMA 2001-7 STONEFIELD (FORMERLY ALBEMARLE PLACE)**

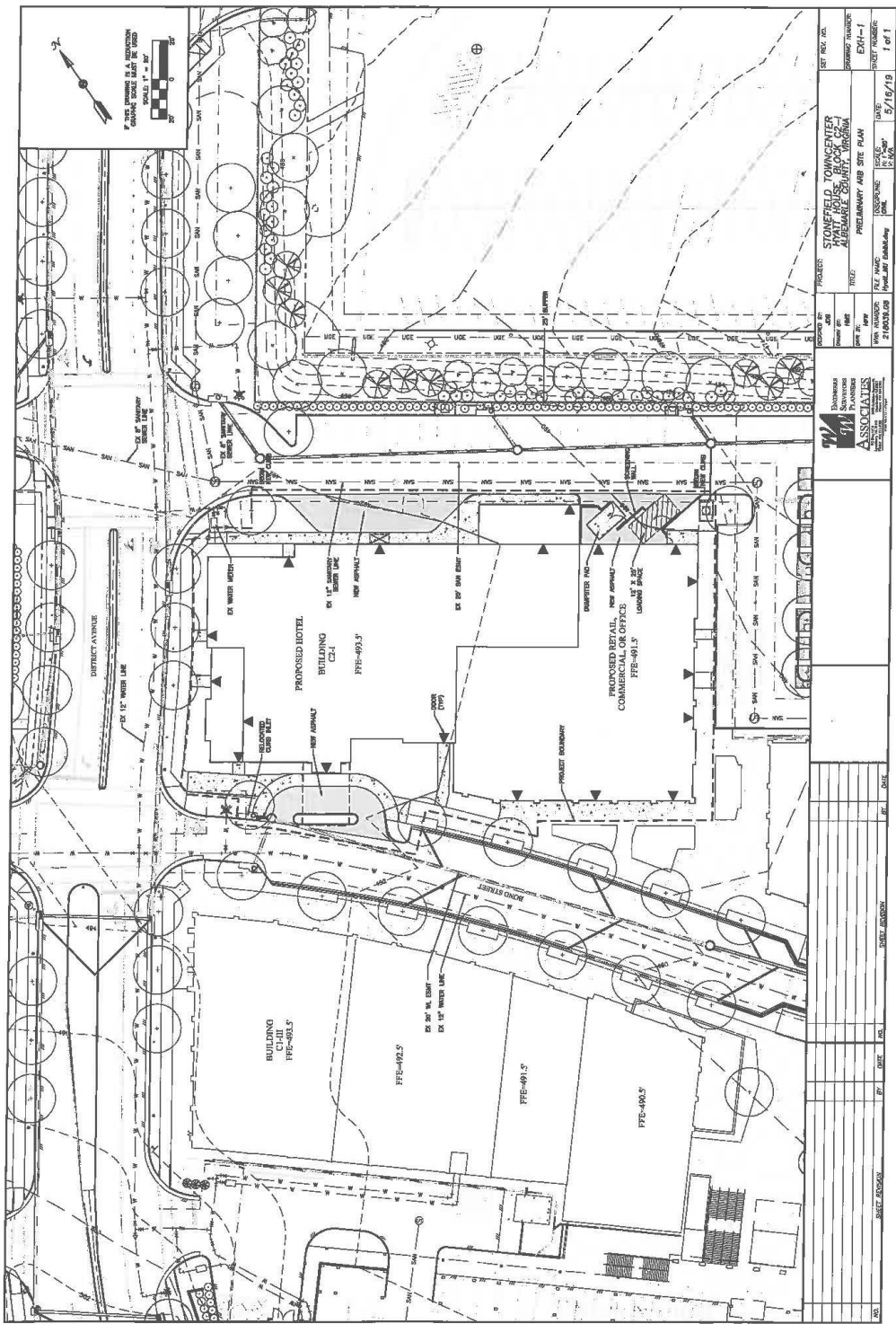
WHEREAS, the Owner of Tax Map Parcel Number 061W0-03-00-019A0 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA2001-7 Stonefield (formerly Albemarle Place) to modify the maximum number of stories in Block C2-I from five (5) stories to six (6) stories.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA2001-7 Stonefield (formerly Albemarle Place) as described above, subject to the conditions attached hereto.

* * *

ZMA2001-7 Stonefield (formerly Albemarle Place) – Special Exception Conditions

1. The special exception shall apply to Block C2-I as depicted on the application plan for ZMA201300009 entitled "Amended Application Plan – Full Build, Exhibit A," prepared by W/W Associates, dated October 21, 2013.
2. The development shall be in general accord with the application plan for this Variation Request entitled "Stonefield Towncenter Hyatt House, Block C2-I: Preliminary ARB Site Plan", prepared by W/W Associates, dated May 16, 2019.



Item No. 8.6. Revenue Sharing Programmatic Project Administration Agreement.

The Executive Summary forwarded to the Board states that the current Programmatic Project Administration Agreement (PPAA) between the County and the Virginia Department of Transportation (VDOT) will expire on June 30, 2019. A new PPAA was approved by the Board at the May 1, 2019 meeting and the County Executive was authorized to execute the PPAA.

The executed PPAA and certified Resolution were submitted to the VDOT District Office. VDOT reviewed the documents and requested text be stricken from the Resolution as indicated in Attachment A. VDOT's concern is that the indicated text would prevent future awarded Revenue Sharing projects from being added to the PPAA. The revised Resolution is provided as Attachment B.

There is no budget impact related to this revised Resolution if the VDOT Central Office receives and approves the PPAA on or before June 30, 2019. If the PPAA is not received and approved on or before June 30, 2019, any project expenditures accrued during the lapse would not be reimbursed by VDOT.

Staff recommends that the Board adopt the attached revised Resolution (Attachment B).

By the above-recorded vote, the Board adopted the following revised resolution:

**A RESOLUTION TO APPROVE A NEW STATE-WIDE PROGRAMMATIC PROJECT
ADMINISTRATION AGREEMENT (PPAA) FOR REVENUE SHARING PROJECTS**

WHEREAS, the Virginia Department of Transportation and the County of Albemarle have executed a state-wide Programmatic Project Administration Agreement (PPAA), for Revenue Sharing projects funded solely with revenue sharing funds, that will expire on June 30, 2019 and,

WHEREAS, the Virginia Department of Transportation requires the County of Albemarle, by resolution, to provide assurance of its commitment to funding its local share and in meeting its financial obligation under the Program;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s).

BE IT FURTHER RESOLVED, that the County Executive is hereby authorized to execute the Programmatic Project Administration Agreement (PPAA), subject to approval as to form and substance by the County Attorney, as well as the Appendices and amendments to the Appendices.

Item No. 8.7. County Grant Application/Award Report, ***was received for information.***

The Executive Summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides a brief description of the applications made during this time period.

The budget impact is noted in the summary of each grant application.

This report is to provide information only. No action is required.

GRANT REPORT ACTIVITY – April 16, 2019 through May 15, 2019

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Charlottesville Area Community Foundation 2019 Strengthening Systems Grant	Yancey School Community Center	Local	\$300,000	\$0	N/A	County Executive	This 3-year grant would fund a dedicated full-time Program Coordinator for the Yancey School Community Center (YSCC), infrastructure for a community garden, and support community programming for rural Southern Albemarle to improve community and resident outcomes by focusing on improving access to physical and mental health services and fresh healthy food as well as to realize the community's vision of a vibrant community center at YSCC.
Virginia Department of Criminal Justice Services	Victim Witness Assistance Grant Program	Federal State	\$134,326	\$0	N/A	Police	This continuation grant provides funds for staffing, equipment, training, and victim assistance costs.

No Awards received during this time.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

The following chart includes grants that are expected to end within the next five years and an estimate of the County's cost over the next five years if the grant-supported position, project or program is continued after the grant ends. The continuation of those positions, projects and programs will be considered as part of the County's annual budget process.

Byrne Justice Grants have a match of 25% in the 2nd year, 50% in the 3rd, 75% in the 4th and 100% in 5th year.

Grant Entity	Grant Name	Designation of Current Budget Match	Expected End Date	FY19	Potential Financial Impact - Includes Five Year Plan salary assumptions				
					FY20	FY21	FY22	FY23	FY24
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	General Fund	6/30/2020	\$34,975 grant funds/ \$104,925 County match	\$ 144,226.95	\$ 148,657.00	\$ 153,227.39	\$ 157,942.74	\$ 162,807.84
					\$ 144,226.95	\$ 148,657.00	\$ 153,227.39	\$ 157,942.74	\$ 162,807.84

Item No. 8.8. Q3 FY 19 Quarterly Financial Report; Q3 FY 19 General Fund Revised Financial Projections Report; and Q3 FY 19 Economic Indicators Report, ***was received for information.***

The Executive Summary forwarded to the Board states that the attached Quarterly Financial Report (QFR) (Attachment A) provides information regarding the County's FY 19 General Fund and

School Fund performance as of March 31, 2019. The General Fund Revised Financial Projections Report (Attachments B and C) includes projected General Fund revenues and expenditures for FY 19. The Quarterly Economic Indicator Report (Attachments D and E) provides an overview of recent general economic conditions in the County.

Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through March 31, 2019, the end of the second quarter (Q3) of FY 19. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR.

Highlights from the QFR include:

Revenues - YTD Actual YTD total revenues in Q3 FY 19 were \$159,501,459 compared to \$151,158,340 in Q3 FY 18. In percentage terms, FY 19 YTD actual revenues as a percentage of FY19 Revised Budget revenues were 54.19%, compared to 54.23% in FY 18.

Expenditures - YTD Actual

YTD total expenditures in Q3 FY 19 were \$210,594,743 compared to \$203,364,887 in Q3 FY 18. In percentage terms, FY 19 YTD actual expenditures as a percentage of FY 19 Revised Budget expenditures were 71.55%, compared to 72.96% in FY 18.

County Executive Authorized Transfers and Appropriations

A table listing the County Executive authorized transfer and appropriations made through the third quarter of FY 19 is included on page 9.

ACPS Quarterly Financial Report

As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of March 31, 2019 is included as a table on page 12 of the QFR.

An *Investment Activity Summary* for the Quarter Ended March 31, 2019 is included on page 13.

General Fund Revised Financial Projections Report

The General Fund Revised Financial Projections Report (GFRFPR) (Attachment B) provides a streamlined summary of forecasted revenues and expenditures. The GFRFPR indicates that by June 30, 2019, actual revenues, including transfers, are forecasted to be above appropriated revenues by \$1.177 million. This result reflects better-than-expected growth in most major revenue streams as well as the real property tax rate of \$0.854 per \$100 of assessed value that the BOS adopted in April 2019. Expenditures, including transfers, are projected to be \$2.962 million above appropriated expenditures. The difference between appropriated expenditures and forecasted expenditures is due primarily to appropriations to Capital, Debt, and Other funds that OMB staff are aware are coming as a result of the budget development process and that will be appropriated at a future Board meeting. The result of the surplus in revenues plus the anticipated expenditures overage is a projected net decrease (rounded) of \$1.785 million in fund balance by the end of FY 19. Please note that the situation on the expenditure side reflects a conscious effort on the part of the Board to draw down excess fund balance for the purpose of investing in the County's future and is similar to the situation that existed a year ago, at the end of FY 18. The projected \$1.785 million drop in fund balance equals 0.6% of the forecasted \$297.278 million in FY 19 expenditures and transfers.

Quarterly Economic Indicators Report

The Quarterly Economic Indicators Report (QEIR) (Attachment D) shows the state of the County's economy. The QEIR contains data taken from the most recently available quarter and compares this data with data from the same quarter of previous fiscal years. Unfortunately, much of the information in the attached report was dated as of the time of publication. General economic activity, as measured by five select revenue streams, generally was flat between Q2 FY 18 and Q2 FY 19 although revenue in one stream did grow substantially, reflecting strength in the construction sector of the County's economy. The unemployment rate in Albemarle declined between Q2 FY 18 and Q2 FY 19, dropping from 2.97% to 2.37%. This year-over-year decline was consistent with drops in national and state rates. Nominally, the County appears to be experiencing a labor shortage. The County's jobs base, meanwhile, appears to have experienced growth between Q1 FY 18 and Q1 FY 19, the most recent quarter for which information was available. The total number of jobs increased from 55,871 to 56,103. Note that this growth of 0.42% year-over-year was much more subdued than in recent quarters. This result suggests that growth in the local labor market might have cooled somewhat in the first part of FY 19. Despite strength in the County's labor market, the inflation-adjusted average weekly wage remained essentially flat between Q1 FY 18 and Q1 FY 19. The Federal Housing Finance Agency's Home Price Index for the region, meanwhile, grew by 3.1% between Q2 FY 18 and Q2 FY 19, the most recent quarter for which data exists. Collectively, the data suggests that the County's economy grew in the most recent year, but might be slowing down, a situation that would be consistent with the U.S. and state economies.

The outlook for the County's economy in the final quarter of FY 19 generally looks good, but there exist foreseeable scenarios in which growth might taper off after the end of the current fiscal year. Ominously, the 3 month/10 year portions of the yield curve for U.S. Treasuries has flattened substantially in the past year, and the yields on these two maturities briefly (but only slightly) "inverted" for a week in

March of 2019. This phenomenon merits attention since, if these yields were to invert *substantially* and for a *prolonged* period of time, the situation would suggest the likely coming of a recession.

Revenues and expenditures data contained in the UQFR reflects the state of the County's FY 19 budget-to-actual financial performance as of March 31, 2019. Data shown in the QEIR reflects economic variables that impact the County's current and future revenues and expenditures.

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

Item No. 8.9. 2018 Planning Commission Annual Report, ***was received for information.***

The Executive Summary forwarded to the Board states that at its March 19, 2019 meeting the Planning Commission reviewed its draft annual report prepared by staff for calendar year 2018. Staff has made minor revisions as requested by the Commission and the final report is included as A and B.

Section 15.2-2221 of the Code of Virginia says that, among its duties, the Planning Commission shall, "5. Make . . . an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction."

This Annual Report also includes the Comprehensive Plan's selected indicators of progress, which are based on indicators from the TJPDC 2013 Sustainability Report and items identified by the Planning Commission in 2016.

This item is for information only and no action is required by the Board.

Item No. 8.10. VDOT Monthly Report (June) 2019, ***was received for information.***

Agenda Item 9. FY 21 Agency Budget Review Team (ABRT) Process.

The Executive Summary forwarded to the Board states that the City of Charlottesville and Albemarle County have conducted joint ABRT agency application processes since 1991.

In FY 19, Charlottesville City Council began a comprehensive review of the ABRT process and did not conduct an ABRT application process for new FY 20 City funding requests during the review.

The County did not participate in the City's review process and conducted a County-only FY 20 County ABRT agency application process. The FY 20 process was co-managed by the County's Office of Management and Budget and the Department of Social Services (DSS). The FY 20 County-only ABRT consisted of volunteer citizens and County staff members, and its charge was to review funding requests from community non-profit agencies using a team approach and a standard scoring instrument. The work of the FY 20 Team was facilitated and supported by a temporary County staff member and other County staff. To streamline the process, funding requests for existing ABRT programs that were rated "exemplary" in both FY 18 and FY 19 were reviewed by County staff instead of the County-only ABRT.

As of May 14, 2019, the City has not yet determined what the City's agency application review process will be for FY 21.

County staff believe that the FY 20 ABRT process undertaken by the County successfully developed sound funding recommendations and propose that the County continue utilizing the same approach to review and make agency recommendations for the FY 21 Budget Development process. As such, staff proposes that the FY 21 ABRT process continue to be facilitated by a temporary County staff member and funding requests for existing ABRT programs rated "exemplary" would receive a streamlined review.

Based on feedback from the ABRT and County staff after the FY 20 process was complete, County staff propose adjustments to the Human Service Outcomes and Metrics and further clarifying the ABRT scoring sheet. Staff will provide these recommended adjustments to the Board of Supervisors for review prior to the County's request for FY 21 applications.

In addition, County staff will continue to monitor the City's ABRT process review and decision-making process and will provide recommendations to the Board of Supervisors for the County's FY 22 agency application review process by May 2020.

The Office of Management and Budget's budget includes \$30,000 for administrative support to manage the FY 21 ABRT application process.

Staff recommends that the County continue to conduct a County-only ABRT process as part of the FY 21 budget development process.

Ms. Lori Allshouse, Director, Office of Management and Budget, presented. She said she would review the Agency Budget Review Team (ABRT) process. She reminded the Board that the City and County utilized a joint application process in prior years. She said that for FY20, the City performed a

review but did not conduct an ABRT application process, while the County conducted a County-only ABRT process. She said for FY21 the City has not yet finalized its process while the County was positioned to conduct its own process, as it did the previous year, should the Board desire it to do so. She said County staff was confident from the previous year's process that it has sound agency funding recommendations. She received an update from City staff since putting together this report and City Council would hold a discussion on June 17 and may rejoin the County in the administration of the ABRT. She said staff recommends that the County continue with its own process for FY21, utilizing temporary staff resources. She said in 2017, the Department of Social Services developed ABRT metrics and outcomes, which has been used since then, and they have recommended several changes in outcomes.

Ms. Allshouse said that staff recommends additional clarity in the ABRT scoring sheet and recommends that a decision be made no later than August, so they could get started with orientation, getting materials in place, and contacting agencies about the process. She said that for FY22, the County plans to stay in communication with the City regarding City Council's decision-making process, and they hope to finalize the County's future application process by August 2020. She invited feedback and direction.

Mr. Randolph suggested that if they make changes to the ABRT metrics that they send this by email to all recipients from the last two years and list the new criteria on the County's website. Ms. Allshouse agreed to do so.

Ms. Mallek remarked that what staff accomplished the previous year worked well, and she would rather not wait since they cannot control what else was going on.

Ms. McKeel stated that it was difficult for nonprofits to plan with uncertainty around funding and agreed with the comment made by Ms. Mallek.

Ms. Palmer expressed that she would like to see what Charlottesville decides on for the future, but for the coming year it makes sense for the County to do what it did the previous year.

Ms. McKeel said she wonders if it would help the nonprofits if the Board were to agree to stay the course for the next three years until the City makes a decision and not have to react from year to year.

Ms. Palmer said she would like to wait to see what the City comes up with before committing to three years.

Mr. Randolph remarked that there was some value in what Ms. McKeel was proposing, though he does not want to tie the hands of the incoming Board, which would have at least two new members. He agrees that they should reassure the nonprofit community that the County would be stable and predictable for the coming year, and the Board should think strategically, along with the City, as to whether they would like to mesh the County's priorities with those of UVA beginning in 2020. He suggested that Ms. Pretzer comment.

Ms. McKeel commented that every decision a Board makes could tie a future Board's hands.

Ms. Pretzer agreed that it would be good to know what would happen the coming year, though they could work with a little uncertainty since they have other funding, until the City decides on its future process.

Ms. Mallek recognized the benefit to having a common application form for nonprofits to make the process easier.

Ms. Palmer agreed. She noted that the previous year the Board made it very clear it was happy with the process going forward, and she does not believe the City would make a major change, but if it did then the Board would have to look at it.

Ms. Mallek stated that the City made a proposal to change everything and she does not want to wait around for that.

Ms. McKeel remarked that the City did not notify the Board when it changed its process, which was a concern.

Mr. Dill said it seems like every year they could adjust things as circumstances arise and they need to know that this year the process would be the same.

Mr. Richardson expressed his appreciation for the Board's direction and compliments of staff. He recognized staff for their work towards a seamless and very good product. He added that he was very interested in seeing what the City does and in a more integrated approach with the University of Virginia. He also added that the County was doing a lot of work around equity assessment and analysis, which would be new information for the Board to consider next year.

Mr. Gallaway asked for an explanation of the adjustments to the metrics. Ms. Allshouse responded that the Department of Social Services would like to add an additional outcome for treating people with substance abuse addictions, as this was not clearly identified as an outcome. She said they would also like to have Siri Russell conduct a review of outcomes.

Ms. McKeel referred to an article by Mark Newton that appeared in *The Daily Progress* six months ago about equity discrepancies in local nonprofits. She noted that the average female top administrator receives 83 cents for every dollar their male counterparts earned in the Charlottesville area, 9% of area leaders are people of color, though they constitute 35% of the lowest paid full-time staff. She said on average women outnumber men two to one in local nonprofits, though there were almost no women in top facility management or tech positions. She suggested that they use this information as a starting point for discussions.

Mr. Gallaway stated the importance of communicating changes in the metrics to nonprofits they have worked with.

Ms. Allshouse reminded the Board that it has been a longstanding practice, though not a written policy, and that organizations need to have been in existence for two years before they apply for ABRT funding.

Ms. Mallek said she thinks it is important to keep this practice.

Ms. McKeel agreed.

Mr. Gallaway asked Mr. Kamptner if a motion was needed to give direction. Mr. Kamptner responded that a motion was not necessary; just provide staff direction by consensus.

Board members expressed their support for Ms. Allshouse's proposals.

Mr. Kamptner addressed Ms. Palmer's earlier request for information about what the County could do about animals in vehicles. He said he wants to review the state criminal code and the cruelty to animals enabling authority that localities have, though he expects they do have the authority to do something, provided it was not preempted by the state.

Ms. McKeel noted that other communities have ordinances and they should be able to figure it out without using two years of staff time.

Ms. Palmer stated that a reporter from *The Daily Progress* article sent Board members an email with the December 2018 article referenced by Ms. McKeel.

(Note: Mr. Gallaway left the meeting at 9:45 a.m. Mr. Randolph assumed the role of Chair.)

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Palmer informed the Board that she visited a site at Birdwood the previous week that had erosion issues and required erosion controls, including stabilization netting to allow grass to grow. She said she observed that they used plastic monofilament as the netting, which traps wildlife and birds. She said she had to cut a blacksnake out of the netting. She said the material does not biodegrade and take a few years to deteriorate. She said she would send an email to Board members with alternatives; she has sent an email to the representative from the UVA Foundation asking if they have a practice about using this. She said she also wants to confer with the County Parks Department to make sure they use biodegradable, plant-based alternatives to this netting.

Mr. Randolph and Ms. McKeel agreed with Ms. Palmer.

Ms. McKeel suggested that they also confer with the schools.

Ms. McKeel thanked the Board for its previous discussion and suggestion that they have an attorney present at Board of Zoning Appeals meetings. She noted they had one present at the last meeting with the benefit of adding to the Board's independence.

Ms. Mallek reminded the Board that it was the County's 275th anniversary and asked that they consider ways to commemorate this.

Mr. Randolph noted that the Governor has announced there would be a special legislative session, with aspects of gun sanity to be a part of this, including a proposal to prohibit visitors to municipal buildings from carrying a firearm. He believes this is a low-hanging and relatively non-controversial subject for which he would like the Board to consider a resolution that expresses its support for this, in time for the Governor's visit to the County this Friday. He noted that there was currently no police presence in the building. He said this resolution would be a first step, and they could consider other more controversial items in the future.

Mr. Dill asked Mr. Randolph what his definition of a municipal building was and if this would include schools. Ms. McKeel responded that guns are already prohibited in schools.

Mr. Kamptner reminded the Board that 15 years ago, the General Assembly changed the law, which prohibits localities from prohibiting firearms in local government buildings. He clarified that the County was prohibited from adopting a rule or ordinance that prohibits firearms coming into the building.

Ms. Mallek remarked that previously firearms were not allowed, there was an assault weapon ban, a limit of one firearm purchase per month, and at that time there were no magazines for pistols. She suggested that they work on all of these items and that they poll the Board for consensus.

Ms. Palmer asked why this law was passed and speculated that it may have been because some Board members have concealed weapons. Mr. Kamptner responded that he does not know for certain, but he thinks it was a broader initiative and that the movement over the past 15–20 years have been in the direction of more permissive laws.

Ms. Palmer wondered if there would be pushback from public officials who bring guns for their own protection.

Ms. Mallek suggested that the decision be left up to localities.

Mr. Randolph stated that the Governor's bill would remove the state law that prohibits localities from banning these weapons and allows localities to decide.

Ms. Mallek noted the irony was that guns are not allowed in the State Capitol.

Ms. McKeel added that guns are not permitted in the Supreme Court either.

Mr. Kamptner said he had pulled up a concurring opinion of Judge Wilkinson from the Fourth District Court of Appeals regarding a challenge to Maryland's assault weapons ban as part of the Firearms Safety Act, which upheld the Act. He quoted Judge Wilkinson as follows: "Disenfranchising the American people on this life and death subject would be the gravest and most serious of steps. It is their community, not ours, it is their safety, not ours, it is their lives, not ours. To say, in the wake of so many mass shootings in so many localities across this country, that the people themselves are now to be rendered newly powerless, that all they can do is stand by and watch as Federal courts design their destiny. This would deliver a body blow to democracy as we have known it since the very founding of this nation."

Agenda Item No, 24. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson remarked that they have continued to review security measures in County buildings, for both staff and the public, and he has had discussions this week with individual Board members about steps that have been taken and additional steps they would continue to consider. He noted that surveillance cameras are now located inside and outside of public areas, they have enhanced lighting in parking lots, visitor entrances are restricted to three points in each office building, and they have conferred with the Police Department as to how to adequately serve the public while maintaining safety. He continued that most reception desks have panic buttons installed, and the police and fire departments have the ability to remotely lock internal and external doors in the case of an emergency. He said next year's proposed budget includes dedicated funding to have a staff member present at the entrance to the County Office Building as both a customer service and security enhancement, and they plan to install gates to make the opening and closing of the building a more formal process without curtailing after-hours meetings.

Mr. Randolph suggested that the Board support the addition of a resolution, on the June 19 agenda, in support of the Governor's initiative to permit local governments to determine their own strategies and policies to assure security in municipal buildings.

Ms. McKeel **moved** that the Board add a resolution in support of the Governor's proposed legislation to the June 19 agenda. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

ABSENT: Mr. Gallaway.

Agenda Item No. 10. Board-to-Board, May, a Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Mr. Jonno Alcaro, Chair, School Board, presented. He thanked the Board for the opportunity to address them. He noted that the schools have many acapella groups which could perform for a County 275th anniversary celebration, including one of his favorites, No Fella Acapella, from Albemarle High School. He said he has updates on five subjects. He said last Saturday he and three colleagues on the Board had the opportunity to attend the fourth annual equity conference, hosted and organized by Dr. Bernard Hairston and his team, at Jack Jouett Middle School, where 23 educators were certified as culturally responsive teachers and 25 educators earned a micro credential in the program. He said the program was the only one of its kind in Virginia and may be the only one in the country.

Mr. Alcaro stated that the schools have students from 89 birth countries, representing close to 80 languages spoken at home. He said one of the contributors to the achievement gap they face stems from this diversity, as the teaching strategies and techniques that support students who are born and grow up in Albemarle County do not necessarily connect with students from different cultural backgrounds or traditions. He explained that culturally responsive teaching challenges teachers to reflect on their own biases and preconceptions and how these impacts their relationships with diverse students, with a strong emphasis on connecting more personally and empathetically with students and their families who come from different life experiences. He explained that to become certified as a culturally responsive teacher, an educator must participate in several professional development programs, conduct research on theory and practice, shape their classroom approach to fit each student's needs, and demonstrate that they have improved outcomes.

Mr. Alcaro said he sat in on a certification session two weeks ago and can attest that the process was very rigorous. He presented data from Cale Elementary School where the principal has required that teachers participate in the program. He said the pass rate for white students on the 5th grade reading assessment was 86% in the (CRT) culturally responsive teaching classroom, compared to 76% in the non-CRT classroom. He said for Hispanic students the pass rates were 42% in the CRT classroom and 14% in the non-CRT classroom, for African-American students the pass rate doubled in the CRT classroom, and for special education students the pass rate rose by 50%, with an overall pass rate for all students of 67% in a CRT classroom compared to 58% in a non-CRT classroom. He said that on Saturday they heard success stories from 23 teachers across the division. He noted that 40 teachers are CRT-qualified, and the 25 teachers who participated in the first step of earning a micro credential brings the number of educators who has completed this step to 38. He explained that a micro-credential was earned by those that have begun research and professional development work but not yet presented a portfolio demonstrating improvement in student outcomes.

Mr. Alcaro invited Supervisors to attend a high school graduation ceremony and informed them that 1,041 students would receive diplomas from the four high schools, with more to be earned over the summer; 64% would receive an advanced studies diploma, which requires the most rigorous academic course study, compared to the state average of 52%. He noted that Murray and Western Albemarle held their ceremonies the previous week, Albemarle High School held its ceremony the previous day evening, and Monticello High School would hold its graduation at John Paul Jones Arena this evening at 7:30 p.m. He said that Ivy Creek School or a Post High School held their graduation ceremonies on Monday and the previous day, respectively, with six graduates at each session. He explained that Albemarle County Post High School Program helps students with moderate and severe disabilities from ages 18 – 22 transition to an independent living environment by providing vocational training and independent living skills. He said that the Ivy Creek School serves students from the Piedmont Regional Educational Program (PREP), which consists of 9 school divisions in the region. He continued that these are students that have been identified through the special education process as emotionally disabled and in need of specialized, separate, public day school placement.

Mr. Alcaro remarked that they have just completed an amazing spring musical season that included performances of The Sound of Music (Western Albemarle), Cinderella (Albemarle), and Once On An Island (Monticello). He said an acquaintance of his who was a frequent visitor to Broadway attended all three performances and characterized the quality of the productions in our high schools as professional-grade and not far off from what he was used to seeing in New York. He said they have some incredibly talented students, including one young lady who was the 2019 Virginia Student Playwright of the Year. He said that, in addition to developing outstanding life skills in students, the musicals are also effective community engagement resources as he knows several non-parents who never miss a show. He announced that Madeleine Michael, Monticello High School Drama Director, would receive a Tony Award in New York this weekend as she has been named the High School Drama Teacher of the Year for the entire nation. He said that Ms. Michael has a student-centered philosophy, which highlights the maturity, poise, enthusiasm, and talent of her students, which was very apparent in Once On An Island, where she billed herself as Assistant Director, and left several roles, including Director and Choreographer, in the capable hands of students who want to pursue these paths beyond high school.

Mr. Alcaro remarked that many have seen the previous week's media coverage of the Cale Elementary School naming advisory committee's organizational meeting. He said the committee includes educators, parents of students, and community members from the Cale attendance zone, was chaired by former Supervisor Dennis Rooker, and was reviewing the County's school integration history during the period that followed the Brown vs. Board of Education school integration decision. He noted that Albemarle, similar to many jurisdictions, did not integrate its schools until nine years after the decision. He said the committee would consider the school division's values of Community, Respect, Young People, and Excellence in its recommendation to Dr. Haas, expected at the end of August, as to whether the name of the school should be changed to reflect current values. He said a public hearing would be held June 18 at Albemarle High School and he will communicate the time to the Supervisors once he has it.

Mr. Alcaro informed the Board that the School Board would have its annual retreat this Friday at Center One at Seminole Place and would review self-sustaining programs, such as extended day enrichment and child nutrition, and strategic planning, as they look to develop a new plan to begin next year, with a public engagement process. He said they would review the current plan's three strategic priorities of Creating A Culture of High Expectations for All, Identifying and Removing Practices that Perpetuate the Achievement Gap, and Ensuring that Students Identify and Develop Personal Interests. He concluded and invited questions and comments.

Ms. Mallek said she attended Melissa Brown's AP Biology class presentations and observed that they were all spectacular, as they were the prior two years. She noted that one of the previous year's presentations proposed the replacement of the 300,000 plastic water bottles used by Albemarle High School each year with water filling stations and the provision of a steel bottle to each student. She has learned that Public Works was looking into this. She said that one of this year's presentations involved running faucets in the school bathrooms as some of them cannot be turned off and she learned that the schools are using 4 million gallons per year. She said she reminded the students the price of water was going up by \$4 per 4,000 gallons. She expressed hope that the County could act on some of the wonderful ideas proposed by students.

Ms. Palmer stated that the County has invested \$30 million into a carbon filtration system and has some of the best water around, which was why the price of water was going up. She said she visited some of the school bathrooms and tried to turn off faucets and found it to be quite frustrating.

Ms. Mallek added that they are the same faucets from when she was in school in 1963. She suggested that this installation work could be done by CATEC apprentices.

Ms. Palmer informed the Board that the Rivanna Solid Waste Authority would discuss a plan for a composting facility at the Ivy landfill, in conjunction with UVA, which would greatly reduce the cost of local composting. She said they would see if it makes sense to also involve the schools. Mr. Alcaro expressed interest on behalf of the schools.

Ms. Mallek noted that one of the presentations was about the composting of school cafeteria food waste and she learned that they use non-Styrofoam trays, though they are not recycling the new materials. Mr. Alcaro remarked that composting was on the School Board's docket for next year's budget and agrees that there are things the schools could do to assist with recycling efforts.

Mr. Dill said he attended a ceremony two weeks ago at Stone Robinson Elementary School to unveil a plaque commemorating the families of black students that integrated the schools. He said it was touching when they read the list of people, many of whom were at the ceremony, including Mr. and Mrs. Johnson, parents of 13 children and leaders in the community that pushed for school integration and who faced a lot of harassment. He said he learned that some teachers at black schools that closed also faced harassment when they took positions in the integrated school.

Ms. Mallek added that they held a ceremony at Greenwood for the four Washington children who integrated the high school and that Walter and Anita Washington, who were leaders in their community, made it possible for their kids to go on. She noted that Anita Washington was at the ceremony but Walter Washington passed away the previous year.

Mr. Randolph remarked that the ceremonies held at three schools were possible due to the initiative of Lorenzo Dickerson.

Ms. McKeel encouraged visitors to the schools to look at the plaques, which list the names of each student at the school.

Ms. McKeel remarked that she would like to talk about four things, including recycling, which they have already discussed. She said she was thrilled to hear they have been working on recycling in the school cafeteria as the County should serve as a role model. She reiterated her suggestion from prior meetings that the School Division involve students in an anti-littering campaign as they could educate their parents, which could help address the County's problem with littering. Mr. Alcaro pointed out that this was an area of focus in the elementary schools and offered to see what they are doing in the middle and high schools.

Ms. McKeel said she wants everyone to know that those age 60+ could apply for a gold card through the County schools, which would allow free access to drama productions. Mr. Alcaro remarked that the number of gold card holders increased from 200 the previous year to over 1,000 this year.

Ms. McKeel lamented that high school graduations are held during the week, which makes it difficult for relatives that live out of town to attend, though she recognizes that they are live-streamed. She encouraged the School Board to reach out to the administration at UVA about the potential of holding rotating graduation ceremonies for County high schools on the same Saturday at the John Paul Jones Arena, as was done several years ago. She suggested that they also reach out to Charlottesville High School for them to be included.

Ms. Palmer said that she attended the previous week's opening of The Arc of the Piedmont's new facility on Rose Hill Drive, which has a wonderful day program for disabled adults. She said the facility is extremely nice and she encouraged everyone to visit it.

Agenda Item No. 11. Closed Meeting.

At 10:32 a.m., Mr. Dill **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider:
 - 1) Appointments to the Equalization Board, the Jail Authority Board, the Jefferson

- Area Board for Aging Advisory Board, the Jefferson Madison Regional Library Board, the Region Ten Community Services Board, the Thomas Jefferson Emergency Medical Services Council, the Community Policy and Management Team, the Route 250 West Task Force, and eight Board-appointed committees;
- 2) the appointment of a zoning administrator;
 - 3) the salaries of the Clerk to the Board, the County Executive, and the County Attorney for Fiscal Year 2020; and
 - 4) the annual performance review of the Clerk to the Board; and
- Under Subsection (6), to discuss and consider the investment of public funds in an affordable housing project in the northern portion of the Scottsville Magisterial District and infrastructure improvements in Crozet where bargaining was involved and where, if made public initially, would adversely affect the financial interest of the County; and
 - Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to capital funding for organizations providing volunteer firefighting services and volunteer emergency services agencies.

The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.
ABSENT: Mr. Gallaway.

(Note: At 11:44 a.m., Mr. Gallaway returned to the Closed Meeting.)

Agenda Item No. 12. Certify Closed Meeting.

At 1:15 p.m., Ms. Palmer **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Non- Agenda: Resolution Appointing the Zoning Administrator

Mr. Randolph **moved** that the Board adopt the following resolution to appoint Bart Svoboda as Albemarle County Zoning Administrator.

**RESOLUTION
APPOINTING THE ZONING ADMINISTRATOR**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that, upon the recommendation of the County Executive, Bart Svoboda ("Svoboda") is hereby appointed the Zoning Administrator for the County of Albemarle, Virginia pursuant to Virginia Code § 15.2-512, and this appointment shall be effective immediately; and

BE IT FURTHER RESOLVED that Svoboda shall serve as Zoning Administrator at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513, effectively immediately; and

BE IT FURTHER RESOLVED that Svoboda shall have the powers and duties of a Zoning Administrator authorized by State and County laws.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Mr. Gallaway invited Mr. Svoboda to address the Board.

Mr. Svoboda expressed his appreciation for the opportunity, acknowledged the support provided by staff, including the tutelage of Mark Graham and Amelia McCulley. He said that he shares the vision of the Board and the citizens of the County.

Agenda Item No. 13a. Boards and Commissions: Vacancies and Appointments.

Mr. Randolph **moved** that the Board make the following appointments/reappointments:

- **reappoint** Mr. Stephen McLean and Mr. Max Jung to the Acquisition of Conservation Easement Committee with said terms to expire August 1, 2021.
- **reappoint** Mr. Ross Stevens to the Acquisition of Conservation Easement Appraisal Review Committee with said terms to expire December 31, 2019.
- **appoint** Mr. Roger Ray to the Acquisition of Conservation Easement Appraisal Review Committee with said terms to expire December 31, 2019.
- **reappoint** Ms. Esther Volkan to Agricultural-Forestal District Advisory Committee with said terms to expire April 17, 2023
- **appoint** Ms. Christine Bowers and Mr. Tarn Singh to Community Policy and Management Team with said terms to expire May 31, 2022.
- **reappoint** Mr. Ross Stevens to Historic Preservation Committee with said term to expire June 04, 2022.
- **recommend** for appointment Mr. John Jay James to the City of Charlottesville as the joint City/County representative to the Jail Authority Board.
- **reappoint** Ms. Lynda White and Ms. Waltine Eubanks to Jefferson Area Board of Aging Advisory Council with said terms to expire May 31, 2021.
- **appoint** Ms. Erica Younglove and Mr. Thomas Unsworth to Jefferson-Madison Regional Library with said terms to expire June 30, 2023.
- **reappoint** Ms. Sarah Robinson, Mr. Rob Neil, Mr. Cal Morris, Ms. Stephanie Lowenhaupt, Mr. Louis Lopez, and Mr. Larry Brown to Pantops Community Advisory Committee. with said terms to expire June 30, 2021.
- **reappoint** Ms. Nora Demleitner to Region Ten with said terms to expire Jun 30, 2022.
- **reappoint** Ms. Barbara Franko and Ms. Bonnie Samuel to Route 250 West Task Force with said terms to expire September 05, 2021.
- **reappoint** Jesse Warren to Solid Waste Alternatives Advisory Committee with said terms to expire May 31, 2023.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

Ms. McKeel noted, for the benefit of the public, that some appointments to other committees and boards that were advertised would be addressed at the next meeting.

Agenda Item No. 14. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Mark Graham, Director of Community Development, addressed the Board. He thanked the Board for its support in the recent selections of the Deputy Director of Community Development, Amelia McCulley, and Bart Svoboda as Zoning Administrator. He pointed out that Ms. McCulley was appointed as Zoning Administrator in 1989, has served for 30 years, and this demonstrates the County's ability to attract and keep really good people.

Agenda Item No. 15. **Public Hearing: FY 2019 Budget Amendment and Appropriations.**
(Advertised in the Daily Progress on May 26, 2019.)

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the FY 2019 appropriations itemized below is \$5,794,223.21. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2019 Budget Amendment totals \$5,794,223.21. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2018-19 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$	1,661,965.66
State Revenues	\$	(644,095.24)
Federal Revenues	\$	75,704.00
General Fund Balance	\$	6,596,148.00
Other Fund Balances	\$	(1,895,499.21)
TOTAL ESTIMATED REVENUES	\$	5,794,223.21

ESTIMATED EXPENDITURES

General Fund	\$	(642,289.24)
Special Revenue Funds	\$	4,728,549.45
Schools	\$	1,082,270.00
School Programs	\$	555,434.00
Emergency Communications Center	\$	69,500.00
Capital Projects	\$	759.00
TOTAL ESTIMATED EXPENDITURES	\$	5,794,223.21

The budget amendment is comprised of a total of twenty-four (24) separate appropriations. Twenty-one (21) have already been approved by the Board as indicated below:

- Eight (8) appropriations approved 2/6/2019
- Two (2) appropriations approved 3/6/2019
- Four (4) appropriations approved 4/3/2019
- Seven (7) appropriations approved 5/1/2019

Three (3) appropriation requests for approval on 6/5/2019 are the remaining as described in Attachment A.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) for local government and school projects and programs as described in Attachment A.

Appropriation #2019088 **\$4,700,000.00**

Source:	General Fund Fund Balance	\$6,596,148.00
	CIP Fund Fund Balance	(\$1,896,148.00)

This request is to appropriate \$6,596,148.00 of FY 18 General Fund year-end undesignated funds for the following uses, pursuant to the Board's direction during the FY 20 annual budget development process:

CIP Cash Equity	\$1,896,148.00
Economic Development Fund	\$3,200,000.00
Housing Fund	\$700,000.00
Broadband Authority Fund	\$800,000.00
TOTAL	\$6,596,148.00

This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 18 undesignated funds that would be available for other uses.

Appropriation #2019089 **\$0.00**

Source:	Real Property Revenue	\$1,420,000.00
	CIP Fund Fund Balance	(\$1,420,000.00)

This request is to appropriate \$1,420,000.00 from the General Fund to the Capital Improvements Program. During the FY 20 budget development process, the Board increased the calendar year 2019 real estate tax rate from \$0.839 per \$100 of assessed value to \$0.854 per \$100 of assessed value. This increase of \$0.015 per \$100 of assessed value in the calendar year 2019 tax rate results in half year collections in FY 19 of \$1,420,000.00 higher than budget. The FY 20 – 24 Capital Improvement Program was developed on the assumption that this funding would be available.

Appropriation #2019090 **(\$741,132.00)**

Source:	CIP Fund Fund Balance	(\$741,132.00)
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This request is to appropriate \$741,132.00 from the General Fund to the Water Resources Capital Improvements Program at this time to assure funding is available for future capital projects in this area. The FY 20 Adopted Budget included bridge year funding for the Water Resources capital budget but did not include any funding for future years. The funding recommended to be provided is from savings from the Health Care Stabilization Reserve. In April 2018, the County's Health Care Consultant provided an updated claim utilization review of the County's Medical Plan that resulted in savings to the County and School Division's health care costs in FY 19. The Board established a Health Care Stabilization Reserve with the General Government portion of the savings. This reserve is not needed in FY 19.

Ms. Allshouse stated that Virginia Code requires the County to hold a public hearing before amending its budget when the total amount of the funds appropriated exceeds 1% of the expenditures in the currently adopted budget. She said the proposed FY19 budget amendment totals approximately \$5.8 million. She said the budget amendment includes 21 appropriations previously approved over the past four months plus three additional requests, as detailed above in Attachment A. She said that staff recommends adoption of the resolution to amend the budget, as described in Attachment B, after the public hearing.

Mr. Gallaway opened the public hearing.

As no one came forward to speak, Mr. Gallaway closed the public hearing.

Mr. Randolph acknowledged the Board’s dedication of \$800,000 for broadband and the appreciation of the members of Albemarle Broadband Authority, whose board both he and Ms. Palmer serve on. He added that this would assist the Authority to partner with the state to obtain funding through the VATI program to extend broadband in the County.

Ms. McKeel **moved** that the Board adopt the proposed resolution to approve appropriations #2019088, #2019089, and #2019090 for local government and school division projects as described in Attachment A. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

**RESOLUTION TO APPROVE ADDITIONAL FY 19
APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 19 Budget is amended to increase it by \$5,794,223.21;
- 2) That Appropriations #2019088, #2019089, and #2019090 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019088	4-1000-93010-493010-930005-9999	1,896,148.00	SA2019088 FY18 Fund Balance to CIP
2019088	3-9000-51000-351000-512074-9999	1,896,148.00	SA2019088 FY18 Fund Balance to CIP
2019088	3-9000-69000-351000-510100-6599	-1,896,148.00	SA2019088 FY18 Fund Balance to CIP
2019088	4-1000-93010-493010-930237-9999	3,200,000.00	SA2019088 FY18 Fund Balance to ED Fund
2019088	3-1820-51000-351000-512004-9999	3,200,000.00	SA2019088 FY18 Fund Balance to ED Fund
2019088	4-1820-99900-499000-999954-1008	3,000,000.00	SA2019088 FY18 Fund Balance to ED Fund
2019088	4-1820-99900-499000-999987-1008	200,000.00	SA2019088 FY18 Fund Balance to ED Fund
2019088	4-1000-93010-493010-930239-9999	700,000.00	SA2019088 FY18 Fund Balance to Housing Fund
2019088	3-1200-51000-351000-512004-9999	700,000.00	SA2019088 FY18 Fund Balance to Housing Fund
2019088	4-1200-99900-499000-999999-1008	700,000.00	SA2019088 FY18 Fund Balance to Housing Fund
2019088	4-1000-93010-493010-930238-9999	800,000.00	SA2019088 FY18 Fund Balance to Broadband Fund
2019088	3-4300-51000-351000-512004-9999	800,000.00	SA2019088 FY18 Fund Balance to Broadband Fund
2019088	4-4300-91097-491097-950030-9999	800,000.00	SA2019088 FY18 Fund Balance to Broadband Fund
2019088	3-1000-51000-351000-510100-9999	6,596,148.00	SA2019088 CIP, Econ Dev, Housing, Broadband
2019089	3-1000-11000-311000-110155-1000	1,384,000.00	SA2019089 Impact of 1.5 cent increase in 2019 tax rate
2019089	3-1000-11000-311000-110255-1000	36,000.00	SA2019089 Impact of 1.5 cent increase in 2019 tax rate
2019089	4-1000-93010-493010-930004-9999	1,420,000.00	SA2019089 Impact of 1.5 cent increase in 2019 tax rate
2019089	3-9000-51000-351000-512004-9999	1,420,000.00	SA2019089 Impact of 1.5 cent increase in 2019 tax rate
2019089	3-9000-69000-351000-510100-6599	-1,420,000.00	SA2019089 Impact of 1.5 cent increase in 2019 tax rate
2019090	4-1000-99900-499000-999960-9999	-741,132.00	SA2019090 Savings to CIP
2019090	4-1000-93010-493010-930241-9999	741,132.00	SA2019090 Health Reserve Savings to CIP
2019090	3-9100-51000-351000-512074-9999	741,132.00	SA2019090 Health Reserve Savings to CIP
2019090	3-9100-51000-351000-510100-9999	-741,132.00	SA2019090 Health Reserve Savings to CIP
TOTAL		25,432,296.00	

Agenda Item No. 16. **Public Hearing: FY 2020 Appropriations and On-going Funding of Multi-Year Capital Projects.**
(Advertised in the Daily Progress on May 26, 2019.)

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the FY 2020 appropriations itemized below is \$85,008,114.90. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 2020 Budget Amendment totals \$85,008,114.90. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2019-20 BUDGET AMENDMENT

ESTIMATED REVENUES

Bond Proceeds	\$	10,908,900.00
Other Fund Balances	\$	74,099,214.90
TOTAL ESTIMATED REVENUES	\$	85,008,114.90

ESTIMATED EXPENDITURES

Capital Projects	\$	85,008,114.90
TOTAL ESTIMATED EXPENDITURES	\$	85,008,114.90

The budget amendment is comprised of two (2) separate appropriations: #2020001 and #2020002.

This request is also for the Board's approval of a Resolution of Intent to Reimburse Expenditures Related to Capital Projects with Proceeds of a Borrowing for these projects and is contingent on the Board's approval of Appropriation #2020002. The Resolution would allow the County to use up to \$19,813,900.00 in borrowed proceeds to reimburse the capital budget for expenditures incurred prior to the programmed borrowing of funds for these projects.

After the public hearing, staff recommends that the Board:

1. Adopt the attached Resolutions (Attachments B and C) for local government and school projects and programs as described in Attachment A, and
2. Adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment D).

Appropriation #2020001 **73,294,214.90**

This request is to appropriate \$73,294,214.90 as described in the Resolution for the County's On-Going Multi-Year Capital Projects (Attachment B). This total is the remaining balance (net of transfers between capital funds) for both the encumbered purchase orders and contracts and the remaining unencumbered special revenue project and capital project funds.

Appropriation #2020002 **\$11,713,900.00**

Source:	Borrowed Proceeds	\$10,908,900.00
	School CIP Fund Fund Balance	\$805,000.00
	High School Center 2*	\$8,100,000.00

*This portion of the appropriation does not increase or decrease the total County budget.

Per the School Board's approval on April 25, 2019, this request is to reduce the School Division's High School Center 2 FY 20 appropriated budget of \$30,200,000.00 by \$8,100,000.00 and appropriate this \$8,100,000.00 and the \$11,500,000.00 that is included in FY 21 of the FY 20 – FY 24 Capital Improvement Plan for "Future School Improvements" to the FY 20 projects listed below:

Since Center 2's funding is already included in the FY 20 Capital budget, this request appropriates \$10,908,900.00 in borrowed proceeds and \$805,000.00 in School CIP Fund fund balance totaling \$11,713,900.00 in FY 20.

- High School Center 2:
 - This request is to reduce \$7,533,000.00 in borrowed proceeds and reduce \$567,000.00 in School CIP Fund fund balance for a total reduction of \$8,100,000.00 for the appropriated budget of the High School Center 2 capital project. The previously appropriated budget for this project was \$35,200,000.00 and is now requested to be \$27,000,000.00.
 - This supports the completion of design, land acquisition and construction of Center 2.

The newly envisioned Center 2 will be reduced in size from 90,000 square feet to 60,000 square feet, and will consist of a two-story building with parking on an estimated 12 acres of land (or purchase and renovation an existing building). Center 2 will serve 400 students instead of the 600 students that were included in the initial project scope. Per the facility planning study that was launched in the spring of 2017, this project addresses the facility needs of all high schools in the County to address growth, capacity issues, equity, and instructional adequacy. The budget for Center 2 is being reduced to \$27,000,000.00 as the size and enrollment of the planned center has been reduced in response to the implementation of Center 1 at Seminole Place, updated enrollment projections, and instructional programming plans. The center will be designed and sited with future expansion in mind. Design is planned to be completed in the Fall of 2020 and construction of Center 2 is to be substantially complete in the Summer of 2022 to be operational for the 2022/23 School Year. The net operating impacts continue to be estimated at \$1.6 million beginning in FY 22.

- Scottsville Addition and Improvements:
 - This request is to appropriate \$11,067,000.00 in borrowed proceeds and \$833,000.00 in School CIP Fund fund balance totaling \$11,900,000.00 for the Scottsville Addition & Improvements project.
 - The project will add 17,500 square feet to the building as well as make improvements to the existing building and site. The additions will include 4 additional classrooms, 2 smaller resource classrooms, 2 offices, bathrooms, and a full-size gym. Improvements to the existing building will include repurposing the current gym into instructional space and other modernizations and renovations throughout the building to improve space for both students and staff. Site improvements will include outdoor learning areas and septic system enhancements. The project will also include the removal of all trailers and modular classrooms. Lastly, it will include new furnishings for both new and existing spaces. The project will adhere to Leadership in Energy and Environmental Design (LEED) principles and practices. Design, funded in FY 19, will be completed in the summer of 2019 and construction is scheduled to be substantially complete in the summer of 2021 to be operational for the 2021/22 school year. The School Division's operating impacts are estimated to be \$84,000 beginning in FY 22 for costs associated with personnel and annual maintenance.
- Red Hill Phase 2: Addition & Improvements:
 - This request is to appropriate \$4,929,000.00 in borrowed proceeds and \$371,000.00 in School CIP Fund fund balance totaling \$5,300,000.00 for the Red Hill Phase 2: Addition & Improvements capital project.
 - This project supports the second phase of work at Red Hill Elementary and includes an addition, renovations and site improvements. The project will add about 6,500 square feet to the building to include a new gymnasium and support spaces such as physical education offices and storage. Renovations to existing building will include repurposing the current gym into instructional space and renovations to the cafeteria, toilets, hallways, support spaces, kitchen and serving line. Exterior renovations will include painting & fascia/soffit repair. Site work will include additional parking, site improvements and outdoor learning areas. Design will start in the summer of 2019 and construction is planned to be substantially complete in the summer of 2021 to be operational for the 2021/22 school year. The School Division's operating impacts are estimated to be \$32,000 beginning in FY 22 for costs associated with personnel and annual maintenance.
- Learning Space Modernization:
 - This request is to appropriate \$1,116,000.00 in borrowed proceeds and \$84,000.00 in School CIP Fund fund balance totaling \$1,200,000.00 for the Learning Space Modernization capital project.
 - This overarching project funds needed improvements to instructional spaces at elementary and middle schools including existing classrooms, libraries, and other elective and instructional support areas consistent with School Board goals and priorities. Modifications will include furniture and renewal work including updating finishes, casework, lighting, technology and power, and connections to adjacent spaces. The modifications should be comprehensive, but can be broken down in the following key areas: Classroom Furniture Upgrade, Classroom Modernization, Media Center Modernization, Specialty Classroom Modernization, and Daylighting. This appropriation of funding will be used to replace Second Grade Classroom Furniture to create flexible, contemporary learning environments. This work continues similar work completed at kindergarten and first grade levels and will be completed in conjunction with division-level professional development and technology upgrades to enhance the impact of the changes. There are no operating impacts associated with this project.
- Crozet Addition Design:
 - This request is to appropriate \$1,116,000.00 in borrowed proceeds and \$84,000.00 in School CIP Fund fund balance totaling \$1,200,000.00 for the Crozet Addition Design.
 - This funds the design development of an estimated 28,000 square foot addition to the building as well as making improvements to the existing building and site. The additions will include 16 classrooms, 3 smaller resource classrooms, 2 offices, a faculty workroom and various support spaces. The additions will also expand the cafeteria and media center to support the larger student enrollment. Improvements to the existing building will include improvements to existing classrooms, improvements to the kitchen, stage and

cafeteria (including Americans with Disabilities Act (ADA) upgrades), and improvements to existing administration, support spaces and toilets. Site improvements will include outdoor learning areas, new and expanded bus drop-off, additional parking, additional playground equipment, and the replacement of a paved play area due to the likely location of the addition. The project will follow LEED practices/principles. The design is scheduled for completion by the Fall of 2020. There are no operating impacts.

- Cost of Issuance: This request is to appropriate \$213,900.00 in borrowed proceeds for costs associated with issuing borrowed proceeds.

Ms. Allshouse reminded the Board that Virginia Code requires the County to hold a public hearing before amending its budget when the total amount of the funds appropriated exceeds 1% of the expenditures in the currently adopted budget. She said the cumulative total of the FY20 budget amendment was \$85 million, and includes carry forward funding in multi-year capital projects. She noted that the Executive Summary includes four attachments, and Attachment A (set out above) has details regarding the two appropriation requests. She said the first part was \$72.3 million for multi-year capital projects and the second includes capital funding adjustments requested by the School Division. She said Attachment B (copy on file) includes the list of the multi-year capital project funding, Attachment C (copy on file) was a resolution to approve the FY20 appropriation requests, and Attachment D (copy on file) includes a request for the Board's approval of a resolution of intent to reimburse expenditures with proceeds of a borrowing for projects associated with the appropriation #202002. She recommended that the Board adopt the resolution to amend the FY20 budget, approve the appropriation requests, and the resolution to reimburse future expenditures with proceeds of a borrowing, after the public hearing.

Mr. Randolph acknowledged the County's commitment in borrowed proceeds and the school CIP fund to address the need for additional improvements to Scottsville Elementary School as a result of the closure of another elementary school. He said this was deeply appreciated by the residents of southern Albemarle County.

Mr. Gallaway opened the public hearing.

As no one came forward to speak, Mr. Gallaway closed the public hearing.

Ms. McKeel **moved** that the Board adopt the proposed resolution to appropriate FY 20 On-going Funding of Multi-year Capital Projects and to adopt the proposed resolution to approve appropriations #2020001 and #2020002 for local government and school division projects.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

**For the Fiscal Year Ending June 30, 2020
Appropriation #2020001**

Whereas, purchase orders and contracts encumbered at the end of the fiscal year must be carried over into the next year for payments; and

Whereas, capital and special revenue projects that are not completed within one fiscal year necessitate the budgeting and appropriation of the remaining balance of project funds from one fiscal year to the succeeding fiscal year; and

Whereas, the encumbrances and estimated remaining unencumbered capital project balances and special revenue project balances will give the responsible departments and agencies continuous access to project funding; and

Whereas, the total amount of estimated encumbrances and unencumbered capital project balances and special revenue project balances, net of transfers, is \$73,294,214.90 set forth as follows:

Total School Division Capital Improvement Fund:

School Division Capital Improvement Fund Appropriations

Administrative Technology	\$158,138.07
CATEC Contingency	\$144,700.00
High School Capacity & Improvement Modernization	\$200,000.00
High School Capacity Improvements - Center #2	\$4,895,118.50
High School Capacity Planning	\$261,348.77
Instructional Technology	\$565,500.00
Learning Space Modernization 2016 Referendum Project	\$2,177,951.06
School Bus Replacement Program	\$1,201,229.40
School Maintenance/Replacement Program	\$8,967,573.46

School Security Improvements Program	\$88,824.83
Scottsville Elementary School Addition & Improvements	\$287,976.60
Scottsville Elementary School Sitework Improvements	\$794.48
State Technology Grant	\$700,000.00
Telecommunications Network Upgrade	\$708,511.04
Western Albemarle High School Environmental Studies Academy	\$5,492.62
Western Albemarle High School Environmental Studies Academy Phase	\$3,773,690.06
Woodbrook Elementary School Addition-Modernization	\$626,146.05
Total School Division Capital Improvement Fund Appropriations	\$24,762,994.94

School Division Capital Improvement Fund Sources

Revenue from Local Sources (Other Transfers)	\$30,406,138.11
Use of Fund Balance	(\$5,643,143.17)
Total School Division Capital Improvement Fund Sources	\$24,762,994.94

Total General Government Capital Improvement Fund:

General Government Capital Improvement Fund Appropriations

ACE Program	\$956,595.00
City-County Owned Facilities Maintenance/Replacement	\$499,261.57
City-County Owned Parks Maintenance/Replacement	\$1,174,408.58
COB McIntire Windows Replacement	\$159,561.00
Connector Road Study: Berkmar Drive Extended-Lewis and Clark	\$224,195.39
Cory Farm Greenway Connector	\$8,615.71
Cost of Issuance	\$732,263.42
County Owned Parks Maintenance/Replacement	\$2,770,353.36
County Server Infrastructure Upgrade	\$400,936.69
County View Project	\$8,339.12
County-Owned Facilities Maintenance/Replacement	\$1,899,548.03
Court Facilities Addition/Renovation	\$4,510,410.34
Crozet Park Maintenance/Replacement and Improvements	\$567,149.00
ECC Emergency Telephone System	\$5,509.55
ECC Integrated Public Safety Technology Project CAD	\$1,072,755.65
ECC Regional 800 MHz Communication System	\$8,036,040.76
Fire Rescue Apparatus Replacement Program	\$764,851.30
Fire Rescue Mobile Data Computers Replacement	\$94,489.71
Fire Rescue Station Alerting System Replacement	\$851,745.00
GIS Project	\$386,650.46
Greenways/Blueways Program	\$667,501.74
Ivy Landfill Remediation	\$368,128.87
Ivy Materials Utilization Center (MUC) New Facility	\$142,274.02
Ivy Recycling Convenience Center	\$350,000.00
Pantops Master Plan	\$108,731.45
Pantops Public Safety Station	\$207,159.02
Parks Restroom Renovation/Modernization	\$481,730.67
Pilot Fundraising Parks Project	\$83,189.00
Places 29 Small Area Study	\$18,781.98
Police 5th Street Small Vehicle Storage	\$250,000.00
Police County 800Mhz Radio Replacements	\$382,371.63
Police Evidence Processing and Specialty Vehicle Storage	\$50,000.00
Police Mobile Command Center Replacement	\$151,805.00
Police Mobile Data Computers Replacement	\$29,910.25
Police Patrol Video Cameras Replacement	\$5,310.00
Police Tactical Truck Replacement	\$80,000.00
Police Technology Upgrade	\$226,012.20
Public Safety Robot	\$85,000.00
Quality of Life CIP Transportation Projects Study	\$20,000.00
Rescue 8 Renovation	\$42,599.43
Rivanna Master Plan	\$50,000.00
Roadway Landscaping	\$24,756.30
Sidewalk Program Contingency	\$69,746.91
Sidewalk, Commonwealth & Dominion Drive	\$3,336,224.00
Sidewalk, Hydraulic & Barracks Road	\$129,230.02

Sidewalk, Ivy Road (US Route 250 West)	\$1,880,559.75
Sidewalk, Old Lynchburg Road	\$1,434.44
Sidewalk, Rio Road, Avon Street, Route 250	\$3,112,942.76
Street Improvement - Local	\$1,360.44
Time and Attendance System	\$273,136.69
Transfer to School CIP-Borrowed Proceeds	\$30,406,138.11
Transfer to Water Resources CIP-Borrowed Proceeds	\$425,296.00
Transportation Revenue Leveraging Program	\$2,420,145.00
Volunteer Facilities Maintenance Program Pilot	\$253,336.00
Keene Landfill	\$10,000.00
Neighborhood Improvements Funding Initiative (NIFI) - Greenbrier	\$167,742.25
NIFI - Baker-Butler	\$176,596.78
NIFI - Avon Street Extended Study	\$75,000.00
NIFI - Free Bridge	\$77,225.73
NIFI - Alb-Jouett-Greer	\$708,727.61
NIFI - The Square	\$1,478,022.89
NIFI - Cale ES	\$512,094.00
NIFI - Rivanna Greenway Stabilization	\$75,962.42
NIFI Contingency Fund	\$104,807.00
Total General Government Capital Improvement Fund	\$74,644,670.00

General Government Capital Improvement Fund Sources

Use of Fund Balance	\$74,644,670.00
Total General Government Capital Improvement Fund Sources	\$74,644,670.00

Total Water Resources Capital Improvement Fund:

Water Resources Capital Improvement Fund Appropriations

Chapel Hill Stream Restoration	\$107,321.46
Drainage Infrastructure Maintenance/Repair Program	\$727,844.43
Hollymead Dam Spillway Improvement	\$2,600,448.70
Large-Scale BMP Retrofits on Private Lands	\$274,873.74
Water Quality Mandated TMDL Program	\$648,519.74
Water Quality NON-Mandated TMDL Program	\$100,000.00
Total Water Resources Capital Improvement Fund Appropriations	\$4,459,008.07

Water Resources Capital Improvement Fund Sources

Revenue from Local Sources (Other Transfers)	\$425,296.00
Use of Fund Balance	\$4,033,712.07
Total Water Resources Capital Improvement Fund Sources	\$4,459,008.07

Total Belvedere Bond Default Project Fund:

Belvedere Bond Default Project Fund Appropriations

<u>Belvedere Bond Default Project</u>	<u>\$221,248.00</u>
Total Belvedere Bond Default Project Fund Appropriations	\$221,248.00

Belvedere Bond Default Project Fund Sources

Use of Fund Balance	\$221,248.00
Total Belvedere Bond Default Project Fund Sources	\$221,248.00

Total Stillhouse Bond Default Project Fund:

Stillhouse Bond Default Project Fund Appropriations

Stillhouse Ridge Default Bond Project	\$37,728.00
Total Stillhouse Ridge Default Bond Project Fund Appropriations	\$37,728.00

Stillhouse Bond Default Project Fund Sources

Use of Fund Balance	\$37,728.00
Total Belvedere Bond Default Project Fund Sources	\$37,728.00

Whereas, approval of an estimated remaining balance amount at the beginning of the fiscal year facilitates the payment of outstanding bills and ensures continuity of ongoing projects; and

Whereas, a properly advertised public hearing was held on June 5, 2019 on the proposed amendment to the FY 20 Budget and all citizens who asked to speak were heard.

Now, therefore, be it resolved that the Albemarle County Board of Supervisors:

- 1. Does hereby budget and appropriate the year-to-date estimated remaining balance of \$73,294,214.90 for encumbered purchase orders and contracts and the unencumbered capital and special revenue project balances of June 30, 2019, as set forth above; and
- 2. Does hereby authorize the County Executive to adjust this amount downward, if necessary, to accurately reflect the actual encumbered amounts and actual unencumbered capital and special revenue project amounts at the end of FY 19; and
- 3. Does hereby authorize the County Executive to close out a Capital project and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance.

This resolution shall become effective on July 1, 2019.

**RESOLUTION TO APPROVE ADDITIONAL FY 2020
APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 20 Budget is amended to increase it by \$85,008,114.90;
- 2) That Appropriations #2020001 and #2020002 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

Fiscal Year	Budget FY20		
APP#	Account String	Description	Amount
2020001	3-9000-69000-351000-510100-6599	SA2020001 FY 20 Carry Forward Schools-All Projects	(5,643,143.17)
2020001	3-9000-69000-351000-512090-6599	SA2020001 FY 20 Carry Forward Schools-Borrowed Proc. Trsf.	30,406,138.11
2020001	4-9000-91040-491040-999999-6599	SA2020001 FY 20 Carry Forward Schools-All Projects	24,762,994.94
2020001	3-9010-51000-351000-510100-9999	SA2020001 FY 20 Carry Forward Local Govt-All Projects	74,644,670.00
2020001	4-9010-91040-491040-999999-9999	SA2020001 FY 20 Carry Forward Local Govt-All Projects	43,813,235.89
2020001	4-9010-93010-493010-930004-9999	SA2020001 FY 20 Carry Forward Local Govt-Borrowed Proc. Trsf.	30,406,138.11
2020001	4-9010-93010-493010-930202-9999	SA2020001 FY 20 Carry Forward Local Govt-Borrowed Proc. Trsf.	425,296.00
2020001	3-9100-51000-351000-510100-9999	SA2020001 FY 20 Carry Forward Water Res.-All Projects	4,033,712.07
2020001	3-9100-51000-351000-512090-9999	SA2020001 FY 20 Carry Forward Water Res.-Borrowed Proc. Trsf.	425,296.00
2020001	4-9100-91040-491040-999999-9999	SA2020001 FY 20 Carry Forward Water Res.-All Projects	4,459,008.07
2020001	3-9011-51000-351000-510100-9999	SA2020001 FY 20 Carry Forward - Belvedere Bond Default	221,248.00
2020001	4-9011-91000-491000-940080-9999	SA2020001 FY 20 Carry Forward - Belvedere Bond Default	221,248.00
2020001	3-9023-51000-351000-510100-9999	SA2020001 FY 20 Carry Forward - Stillhouse Bond Default	37,728.00
2020001	4-9023-91000-491000-940070-9999	SA2020001 FY 20 Carry Forward - Stillhouse Bond Default	37,728.00
2020002	4-9000-69985-466500-312350-6307	SA2020002 H S Capacity and Improv Center 2	(729,000.00)
2020002	4-9000-69985-466500-800200-6307	SA2020002 H S Capacity and Improv Center 2	(600,000.00)
2020002	4-9000-69985-466500-800605-6307	SA2020002 H S Capacity and Improv Center 2	(9,271,000.00)
2020002	4-9000-69985-466500-800750-6307	SA2020002 H S Capacity and Improv Center 2	2,000,000.00
2020002	4-9000-69985-466500-999999-6307	SA2020002 H S Capacity and Improv Center 2	500,000.00
2020002	4-9000-69985-466732-800200-6599	SA2020002 Learning Space Modernization	1,200,000.00
2020002	4-9000-69985-466500-312350-6109	SA2020002 Scottsville E S Add & Improv	500,000.00
2020002	4-9000-69985-466500-800200-6109	SA2020002 Scottsville E S Add & Improv	450,000.00
2020002	4-9000-69985-466500-800605-6109	SA2020002 Scottsville E S Add & Improv	9,730,000.00
2020002	4-9000-69985-466500-999999-6109	SA2020002 Scottsville E S Add & Improv	1,220,000.00
2020002	4-9000-69985-466500-312350-6103	SA2020002 Crozet E S Addition Design	1,200,000.00
2020002	4-9000-69985-466500-312350-6107	SA2020002 Red Hill E S Ph 2 Add & Improv	530,000.00
2020002	4-9000-69985-466500-800200-6107	SA2020002 Red Hill E S Ph 2 Add & Improv	250,000.00
2020002	4-9000-69985-466500-800605-6107	SA2020002 Red Hill E S Ph 2 Add & Improv	4,095,000.00
2020002	4-9000-69985-466500-999999-6107	SA2020002 Red Hill E S Ph 2 Add & Improv	425,000.00
2020002	3-9000-69000-351000-510100-6599	SA2020002 School CIP Fund Balance	805,000.00

2020002	3-9000-69000-351000-512090-6599	SA2020002 School Borrowed Proceeds Transfer	10,695,000.00
2020002	3-9010-41400-341000-410530-9999	SA2020002 Borrowed Proceeds	10,908,900.00
2020002	4-9010-93010-493010-930004-9999	SA2020002 Borrowed Proceeds Transfer from 9010 to 9000	10,695,000.00
2020002	4-9010-95000-495000-312807-9999	SA2020002 Cost of Issuance 2% of project borrowing	213,900.00

Ms. McKeel **moved** that the Board adopt the proposed Resolution of Official Intent, to reimburse expenditures with proceeds of a borrowing. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

**RESOLUTION OF OFFICIAL INTENT TO
REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the “Borrower”) intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the “Project”); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$19,813,900.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

Exhibit A

**CAPITAL IMPROVEMENT
PROGRAM BOND FUNDED
PROJECTS
FY 20**

School Division	Amount (\$)
Cost of Issuance	\$213,900
Learning Space Modernization	\$1,200,000
Scottsville Elementary Addition & Improvements	\$11,900,000
Crozet Elementary Addition Design	\$1,200,000
Red Hill Elementary Phase II Addition & Improvements	\$5,300,000
School Division Subtotal	\$19,813,900
Total Debt Issue Not to Exceed - FY 20 Projects	\$19,813,900

Agenda Item No. 17. **Public Hearing: Housing Choice Voucher Program 5-Year and Annual Plan.** To receive public comment on its 5-Year PHA Plan for the administrative of the Housing Choice Voucher Program.
(Advertised in the Daily Progress on May 20 and May 27, 2019.)

The Executive Summary forwarded to the Board states that the Albemarle County Office of Housing ("Office") is the designated local agency for the administration of the Housing Choice Voucher Program ("Program"), formerly known as the Section 8 Rental Assistance Program. The Office is considered a part of the executive branch of local government and not a public housing authority. Although not a housing authority, the Office must comply with U.S. Department of Housing and Urban Development ("HUD") requirements for Public Housing Agency ("PHA") activities, including the development and implementation of Annual and 5-Year PHA plans.

In 2014 the Office prepared, and the Board approved, the 5-Year Plan submission, which was subsequently approved by HUD. Since the Office is considered a high-performing agency under HUD guidelines as revised in 2008, the Office is not required to submit Annual Plans after the initial 5-Year and Annual Plan Submission unless significant changes are proposed. Plans must be available for a 45-day review period prior to holding a public hearing.

Attachment D Certifies that this Albemarle County Office of Housing's proposed 5-Year Plan is consistent with the FY18-22 Consolidated Action Plan as adopted by the City of Charlottesville and the Thomas Jefferson Planning District.

No changes are proposed for the continued administration of the Program. All current participants in the Program have been made aware that the proposed 5-Year Plan (Attachment A) is available for review on both the website and in the Housing Office. The notice advised them of their opportunity to provide comment. The Office also advertised the availability of the proposed 5-Year and Annual Plan for a 45- day review period which began on **April 15, 2019**. No comments have been received to date.

The Office is authorized for a total of **538** vouchers but must operate under a calendar year budget which limits the number of vouchers that can be funded. The budget for CY2019 is **\$3,229,255**, which covers rents and utility payments. Currently **430** households are receiving assistance.

There is no budget impact anticipated with this action. HUD provides annual budget authority for the voucher program, including administrative fees.

After the Board receives public comment, staff recommends that the Board:

- approve the attached PHA 5-Year Plan (Attachment A)
- authorize the County Executive to execute the required PHA Certifications of Compliance and Civil Rights Certification (Attachments B and C).

Ms. Phyllis Savides, Director of Social Services, presented. She explained that they seek the Board's approval of the Public Housing Authority 5-Year Plan, Attachment A, and approval to authorize the County Executive to execute the required certifications of compliance and civil rights. She explained that the County's Office of Housing was the designated local area agency for the administration of the voucher program. She said although the office was not considered a housing authority, the County still must comply with U.S. Department of Housing and Urban Development requirements.

Ms. Savides stated that no changes are proposed in the current administration of the program and all participants have been made aware that the proposed 5-year plan was available for review on the website and in the Housing Office, and that they have the opportunity to provide comment. She said the office was authorized for 538 vouchers and the County's calendar year schedule limits the amount that could be funded, though the previous year they were able to issue an additional 44 vouchers. She said currently 430 households receive assistance. She stated that Lynn Witt, Housing Supervisor, was present to answer any questions posed by the Board that she was unable to answer.

Ms. Mallek asked for clarification as to why the County has to reduce the number of voucher recipients by 108 families. Ms. Savides responded that the County has to operate under a calendar year budget, and it was complicated by the fact that some people would terminate their case and then another person might come in and take that voucher at a higher rent. She said they have to deal with estimates, there was a need to set some money aside in reserves to be able to cover any shortfall, and it was her understanding that they have never been able to use the total number of vouchers authorized by HUD.

Ms. Mallek said she understood that it was the fixed dollar amount, as opposed to the previous fixed number of vouchers that restricted the County as rents rose and fewer people could be assisted. Ms. Savides confirmed that it was a fixed dollar amount.

Mr. Dill asked Ms. Mallek if her question was in regard to how many people are not able to obtain an apartment with a voucher during the course of a year that want one. Ms. Mallek said it was the 108 person difference between 430 and 538. Mr. Dill asked if this was due to timing, people moving away, or if these people were homeless because they cannot get into an apartment. Ms. Savides clarified that 538 was the number HUD have said the County could use while 430 was what the County could fund. She said they hope to issue additional vouchers because of some changes her office has made to the amount put into reserve and management of the funds.

Ms. Palmer said that someone recently informed her the Timberland Park Apartments complex was not completely filled, which she did not understand since there was a waiting list, and asked Ms. Savides to look into this. Ms. Lynn Witt, Housing Supervisor, addressed the Board. She said Timberland Park was privately owned and managed and does not have project-based assistance tied to the units. She explained that they accept housing vouchers and voucher recipients living there but they have their own requirements and application process.

Mr. Dill stated that low income housing was an important issue in the community and asked Ms. Witt if the community was missing an opportunity to provide low income housing because they do not have enough money to fund all the vouchers. Ms. Witt responded with "yes and no." She explained that they are working on increasing staff to allow them to administer additional vouchers, should they get some money, which has held them back in the past. She thanked the Board for providing funding for an additional staff member, which would allow them to administer more vouchers.

Mr. Dill asked if there was housing available that go unfilled. Ms. Witt responded that not all landlords accept the vouchers, which she attributes to stereotypes about Section 8 voucher holders, and they are trying to change this through landlord briefings, by furnishing more information about the voucher holders, and by offering guaranteed payments. She agreed that there are likely units that could be utilized once property owners are on board.

Ms. Mallek said she read an article in the newspaper about how in 15–20 years UVA plans to house 60% of its students on grounds, which would change the dynamic of the current housing stock.

Mr. Gallaway opened the public hearing.

As no one came forward to speak, Mr. Gallaway closed the public hearing.

Ms. Palmer **moved** that the Board approve the PHA 5-Year Plan, and authorize the County Executive to execute the required PHA certifications of compliance and civil rights certification. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

5-Year PHA Plan (for All PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 02/29/2016
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A.	PHA Information.																																
A.1	<p>PHA Name: <u>Albemarle County Office of Housing</u> PHA Code: <u>VA036</u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2019</u></p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p>Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p>Copies of the PHA Plans, including updates, may be reviewed by the public at the Albemarle County Office of Housing office located at 1600 Fifth Street, Suite B, Charlottesville, VA 22902. PHA Plans, including updates may also be reviewed online at: www.albemarle.org/housing</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table><tr><th rowspan="2">Participating PHAs</th><th rowspan="2">PHA Code</th><th rowspan="2">Program(s) in the Consortia</th><th rowspan="2">Program(s) not in the Consortia</th><th colspan="2">No. of Units in Each Program</th></tr><tr><th>PH</th><th>HCV</th></tr><tr><td>Lead PHA:</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
Participating PHAs	PHA Code					Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program																									
		PH	HCV																														
Lead PHA:																																	

B.	5-Year Plan. Required for all PHAs completing this form.
B.1	<p>Mission. State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years.</p> <p><i>To promote opportunities for low-income county citizens and residents within the Thomas Jefferson Planning District (PD10) to secure and maintain safe, decent, accessible, and affordable housing.</i></p>
B.2	<p>Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.</p> <p>Goal 1: INCREASE THE AVAILABILITY OF DECENT, SAFE, AND AFFORDABLE HOUSING OPPORTUNITIES</p> <ul style="list-style-type: none">• <i>Continue to maximize utilization of Section 8 Program Funds by implementing the use of HUD's Two-Year Forecasting Tool</i>• <i>Apply for additional Section 8 Vouchers</i>• <i>Take actions to upgrade our agency's use of technology in communicating information about the agency to the public, including website overhaul and making available online reporting services for applicants, participants and landlords.</i> <p>Goal 2: INCREASE ASSISTED HOUSING CHOICES</p> <ul style="list-style-type: none">• <i>Provide voucher mobility counseling</i>• <i>Conduct outreach efforts to potential voucher landlords</i>• <i>Conduct regular landlord briefings to include information on Fair Housing and VAWA regulations</i>• <i>Make available a landlord handbook for current and prospective landlords of the Section 8 voucher program</i>• <i>Increase voucher payment standards when appropriate</i> <p>Goal 3: IMPROVE ALL ASPECTS OF AGENCY OPERATIONS</p> <ul style="list-style-type: none">• <i>Systematically review all aspects of agency operations and take actions where appropriate to improve the efficiency and effectiveness of the agency. Opportunities include staff training, information technology effectiveness, customer service improvements, performance management, staffing analysis, administrative policy review, and proactive vs reactive approaches to management.</i>• <i>Build upon existing relationships within the housing industry (HUD, NAHRO, SERC, etc.) to gather information, ideas, best practices, potential funding sources that can assist our agency in expanding its program and improve operational efficiency.</i>

B.3	<p>Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p><i>The previous 5-Year Plan included goals of maintaining a 98% utilization rate of budgeted funds as well as utilizing at least 80% of allocated vouchers. While our agency was successful in maintaining a 98% utilization rate of budgeted funds, those funds only allowed for an average 74% utilization of allocated vouchers. The lack of increases in budgeted funds coupled with significant increases in area rents was a factor in our not reaching our targeted goal.</i></p> <p><i>The previous 5-year Plan also included a goal to maximize the use of project-based vouchers to promote services to vulnerable population including the elderly and homeless. We currently administer 38 project-based vouchers, 16 of which are for projects serving elderly and/or homeless populations. In addition, we administer 34 vouchers under a separate contract for a Mod-Rehab project serving elderly and/or disabled participants.</i></p>
B.4	<p>Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p><i>Albemarle County Office of Housing will promote and abide by the Violence Against Women's Act (VAWA) that was signed by President Bush on January 5, 2016. Albemarle County Office of Housing will support or assist victims of domestic violence, dating violence, sexual assault, stalking and/or others as required by the law to prevent them from losing their HUD-assisted housing because of the abuse of which they were the victim. We shall also adhere to all HUD requirements regarding VAWA pertaining to the Section 8 Rental Assistance Programs administered by our agency.</i></p> <p><i>Albemarle County Office of Housing provides information the rights and protections under VAWA to applicants and all program participants during the initial briefing sessions and at each recertification. Sensitivity to issues of domestic violence is also considered as one of the factors in the determination of a voucher issuance in instances of split housings assisted by the HCV program. We also refer clients to various law enforcement agencies as well as local non-profit agencies such as The Shelter for Help and Emergency and the Sexual Assault Resource Agency.</i></p> <p><i>Albemarle County Office of Housings also provides landlords with VAWA information during initial the initial lease up of a program participant and at least annually thereafter.</i></p>
B.5	<p>Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p><i>Significant amendment is defined as any revision to policy governing the Housing Choice Voucher Program. Significant amendments not requiring HUD's prior approval will be addressed in the following plan submission.</i></p> <p><i>Significant modification is defined as any change to a previously approved 5-year Plan or Annual Plan which substantially revises goals or strategies.</i></p>

B.6	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
B.7	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

Instructions for Preparation of Form HUD-50075-5Y
5-Year PHA Plan for All PHAs

A. PHA Information [24 CFR §903.23\(4\)\(e\)](#)

A.1 Include the full PHA Name, PHA Code, , PHA Fiscal Year Beginning (MM/YYYY), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table.

B. 5-Year Plan.

B.1 Mission. State the PHA’s mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA’s jurisdiction for the next five years. [\(24 CFR §903.6\(a\)\(1\)\)](#)

B.2 Goals and Objectives. Identify the PHA’s quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. [\(24 CFR §903.6\(b\)\(1\)\)](#) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA’s 5-Year Plan.

B.3 Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5- Year Plan. [\(24 CFR §903.6\(b\)\(2\)\)](#)

B.4 Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA’s goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. [\(24 CFR §903.6\(a\)\(3\)\)](#)

B.5 Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

B.6 Resident Advisory Board (RAB) comments.

(a) Did the public or RAB provide comments?

(b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA’s decision made on these recommendations. [\(24 CFR §903.17\(a\), 24 CFR §903.19\)](#)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq, and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

**Certifications of Compliance with
PHA Plans and Related Regulations
(Standard, Troubled, HCV-Only, and
High Performer PHAs)**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including
Required Civil Rights Certifications**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the X 5-Year and/or Annual PHA Plan for the PHA fiscal year beginning 07/01/2019 , hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

- 12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
- 13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
- 14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
- 15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
- 16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
- 17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
- 18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
- 19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
- 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Albemarle County Office of Housing

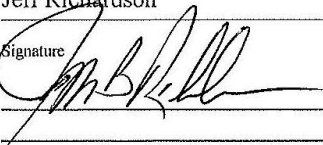
VA036

PHA Name
PHA Number/HA Code

Annual PHA Plan for Fiscal Year 20

X 5-Year PHA Plan for Fiscal Years 2019 - 2023

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Authorized Official	Title
Jeff Richardson	County Executive
Signature	Date
	6/29/19

Civil Rights Certification (Qualified PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing OMB Approval No. 2577-0226 Expires 02/29/2016
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Civil Rights Certification

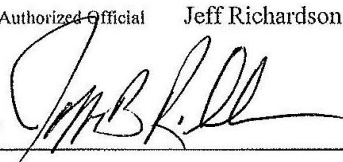
Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

Albemarle County Office of Housing	VA036
PHA Name	PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Jeff Richardson	Title	County Executive
Signature		Date	4/29/19

Agenda Item No. 18. **Public Hearing: ZTA 2017-11 Definitions and Rules of Construction.** To receive comments on its intent to recommend adoption of the following proposed ordinance to amend Chapter 18 (Zoning) of the Albemarle County Code by: Adding rules of construction in new sections 18-3.2 and 18-3.3; Amending section 18-3.1 by consolidating all defined terms throughout Chapter 18 (Zoning) of the Albemarle County Code into section 18-3.1, and updating terms and definitions for consistency and clarity and to codify existing practices; Repealing sections 18-4.15.3, 18-4.17.3, 18-4.18.2, 18-10.3.3.1, 18-30.2.3, 18-30.3.5 and moving their terms and definitions into section 18-3.1; and Amending sections 18-4.12.6, 18-4.15.3, 18-4.15.9, 18-5.1.06, 18-5.1.29, 18-5.1.42, 18-5.2, 18-5.2A, 18-9.2, 18-10.2.1, 18-10.2.2, 18-11.3.1, 18-11.3.2, 18-12.2.1, 18-12.2.2, 18-13.2.2, 18-14.2.2, 18-15.2.1, 18-15.2.2, 18-16.2.1, 18-16.2.2, 18-17.2.1, 18-17.2.2, 18-18.2.1, 18-12.2.2, 18-19.3.1, 18-19.3.2, 18-20.3.1, 18-20.3.2, 18-20A.8, 18-20B.2, 18-21.7, 18-22.2.1, 18-22.2.2, 18-23.2.1, 18-23.3.3, 18-24.2.1, 18-24.2.2, 18-26.5, 18-30.3.11, 18-32.7.9.8, and 18-35.1 to reflect the updated terms and definitions in Section 18-3.1. (Advertised in the Daily Progress on May 20 and May 27, 2019.)

The Executive Summary forwarded to the Board states that a resolution of intent to amend the Zoning Ordinance was adopted by the Board on April 5, 2017 authorizing an amendment to “consolidate existing definitions and rules of construction, clarify existing definitions, add new definitions, delete obsolete definitions, and to amend the existing rules of construction.” The Planning Commission held a work session on December 18, 2018 to discuss the proposed amendments and provided staff with feedback and questions to address. On April 9, 2019, the Planning Commission voted 7:0 to recommend approval of ZTA 2017-11.

The Commission also discussed a number of substantive zoning text amendments to be addressed at a later date. These are found beginning on page 23 of the minutes (Attachment F).

The following categories of changes are included in this amendment:

- Consistency – non-substantive formatting, capitalization, and ordering changes;
- Consolidation – moving terms and definitions throughout Chapter 18 into Section 3;
- Removing Terms – removal of outdated or unused terms in the Zoning Ordinance;
- Clarification – definition or term changes intended to clarify standing practice of Ordinance interpretations;
- New Terms – addition of terms used in the Zoning Ordinance but not currently defined;
- Replacing Terms – replacing outdated or confusing terms with modern, consistent terms; and
- Other Changes – combining two terms for consistency and clarity or codifying long-standing current practice.

The terms and definitions being consolidated are pulled from the definitions sections of the sign regulations, noise regulations, outdoor lighting regulations, rural preservation development regulations, flood hazard overlay district regulations, and airport impact area overlay district regulations, as shown on Attachment B. These consolidations include no substantive changes to the terms or definitions. Minor changes relating to removing previously repealed terms, and changes relating to sentence structure, definition clarity, or word order are listed in Attachment C. All other changes, including term replacement and adding new terms that are used in the Zoning Ordinance but not currently defined, are listed and annotated in Attachment D.

Additionally, the text amendment includes updated Rules of Construction, modeled after similar sections in the Subdivision Ordinance and the Water Protection Ordinance.

No additional staff or funding will result from these amendments.

Staff recommends the Board adopt the attached proposed ordinance (Attachment G).

Ms. Lea Brumfield, Senior Planner, presented. She clarified that the two sections of the ZTA they are dealing with are definitions that have to do with terms and their meanings, and Sections 3.3 and 3.2, Rules of Construction, which were created to describe how the zoning ordinance should be interpreted. She explained that rules of construction were a legal term referring to construe or interpret, not to construct or to build. As an example, she explained that anything that refers to a Director of Community Development also includes the director 's designees. She noted that there was a small change, as a word was missed in the draft ordinance, which she added this morning, with automobile laundries being replaced by car wash. She said in 2017, the Board initiated a ZTA with a resolution of intent to prepare for recodification. She said the amendment was presented by staff to the Planning Commission at a work session in December and recommended approval of the ZTA, as presented, at its April 2019 meeting.

Ms. Brumfield explained that the public purpose of ZTA 2017-11 was primarily to consolidate terms and definitions from different sections of the ordinance into one section, Section 3, and to update the ordinance so that it was clear, consistent, and easy to understand for staff and the public, while avoiding any substantive changes. She said the staff identified the following seven types of changes: consistency, consolidation, removal, clarifications, new terms, replacing terms, and minor changes. She said Attachment B (copy on file) has minor changes in consistency and clarifications while Attachment C (copy on file) and all other changes were in Attachment D (copy on file). She noted that the chart in Attachment D annotates the changes with explanations. As an example of the types of changes to be made, she said that terms from sign regulations definitions for access roads was clarified to mean that it was used in the purposes of 18-4.15.

Ms. Brumfield stated that they moved regulations out of the definitions and into the regulation sections and provided several examples. She referenced Attachment C, which she said shows terms that have minor changes, mostly of two-word phrases that have been re-ordered, such as garage, public, which was now was public garage. She said they replaced terms that have been repealed, such as dormitory and cul-de-sac, which was not used anymore. She said they remove the terms that are a duplicate; we noted the removal. She said there is no regulation differences between roads or streets and do prefer street in the ordinance, but they know that road is a very common term and people may be confused. She said they have added the term road as used in this chapter; it means a street to this definition and removed the definition of road. She said they remove unused and outdated terms, such as an apartment house, which has been replaced by multiple family dwelling. She said they changed some terms in keeping with the Code of Virginia, such as day care center, which has been replaced by child day center, and travel trailer with recreational vehicle. She said they created terms that were previously regulated but not defined, such as caregiver and group home, so that the County's definition matches that of the legislation's definition.

Mr. Randolph asked if the County's ordinance has a term to address adult daycare. Ms. Brumfield responded that it does not as all their regulations are written for child daycare. She explained that she

was not aware of any adult daycares in the County that are separate from an assisted-living facility, though this may need to be addressed in the future.

Mr. Randolph stated that given the aging of the County, it would be appropriate to do this and said it would be interesting to see if they model it strictly in parallel to child daycare or more similarly to assisted living facilities, as it may be a hybrid with aspects of both.

Ms. Mallek said she thinks JABA has day centers where adult seniors come for the day and asked if they were including them in this type of use. She asked if there was a distinction between a travel trailer and a recreational vehicle, in that one has an engine and the other does not. Ms. Brumfield responded that the previous definition of travel trailer included self-propelled recreational vehicles.

Mr. Randolph observed that they are treating travel trailers the same, regardless of size, and suggested that this was something to think about from a regulation standpoint.

Ms. Mallek added that light trailers could be carried away very fast by a flood and wondered if it was assumed they would be used in a backyard or that they are used for storage.

Ms. McKeel added that some may live in them in the driveway, which was an issue in the urban ring. Ms. Brumfield responded that this was not permitted under the current zoning regulations. She explained that travel trailers, recreational vehicles, and third wheels are under the definition of recreational vehicle. She continued that it mostly has to do with parking and having designated spaces for it in certain kinds of communities.

Ms. Palmer asked who repeals terms and if there are multiple ways to do so. Mr. Kamptner responded that the Board does. He said that if the State repeals enabling authority that has a local regulatory provision then the State would be effectively repealing it, but it would be the Board that would change this ordinance.

Ms. Palmer asked for confirmation that the Board repealed terms but did not apply them to all the ordinances. Mr. Kamptner responded that part of what this ZTA was addressing was the formatting of the current Zoning Ordinance, which was difficult to use with long lists of uses, whereby some minor changes could result in a hundred-page ordinance to comprehensively deal with that same issue across the board. He said that a transition to a one-page foldout table to deal with this would greatly simplify the amendment process. He said that was part of the background of why this ZTA is so important.

Ms. Palmer thanked Ms. Brumfield for the executive summary, which includes dates of when items were last reviewed highlighted in the background. She asked Mr. Richardson and Mr. Kamptner to include dates in all executive summaries, as this was very helpful for her.

Mr. Kamptner commented that the amendment dates that follows the different sections are sporadic in the Zoning Ordinance, and they have tried to build that into it as they go along.

Mr. Gallaway opened the public hearing.

Mr. Neil Williamson, of the Free Enterprise Forum, addressed the Board. He commended staff for its report and for keeping the focus on clarification, to make the ordinance work better and not significant changes, as many localities decide to address other issues when conducting a recodification process, including Albemarle in the past. He characterized this as a huge step forward and said it will be incredibly helpful for folks that want to come to live, work, and play in Albemarle County.

Mr. Gallaway closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed ordinance, including the change submitted today. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

ORDINANCE NO. 19-18(3)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, Article III, District Regulations, and Article IV, Procedure, are hereby amended and reordained as follows:

By Renaming:

Sec. 3 Definitions and Rules of Construction

By Repealing:

Sec. 4.15.3 Definitions and Qualifications

Sec. 4.17.3 Definitions
Sec. 4.18.02 Definitions
Sec. 10.3.3.1 Definitions
Sec. 30.2.3 Definitions
Sec. 30.3.5 Definitions

By Amending:

Sec. 3.1 Definitions.
Sec. 4.12.6 Minimum Number of Required Parking Spaces for Scheduled Uses
Sec. 4.15.9 Maximum Sign Number, Area, Height, and Minimum Sign Setback in the RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, and PRD Zoning Districts
Sec. 5.1.06 ~~Day~~ Child Day Care Centers
Sec. 5.1.29 ~~Convent~~, Monastery
Sec. 5.1.42 Historical Centers
Sec. 5.2 Home Occupations in Zoning Districts Other Than The Rural Areas Zoning District
Sec. 5.2A Home Occupations in The Rural Areas Zoning District
Sec. 9.2 Where Permitted
Sec. 10.2.1 By right
Sec. 10.2.2 By special use permit
Sec. 11.3.1 By right
Sec. 11.3.2 By special use permit
Sec. 12.2.1 By right
Sec. 12.2.2 By special use permit
Sec. 13.2.2 By special use permit
Sec. 14.2.2 By special use permit
Sec. 15.2.1 By right
Sec. 15.2.2 By special use permit
Sec. 16.2.1 By right
Sec. 16.2.2 By special use permit
Sec. 17.2.1 By right
Sec. 17.2.2 By special use permit
Sec. 18.2.1 By right
Sec. 18.2.2 By special use permit
Sec. 19.3.1 By right
Sec. 19.3.2 By special use permit
Sec. 20.3.1 By right
Sec. 20.3.2 By special use permit
Sec. 20A.8 Mixture of uses
Sec. 20B.2 Permitted Uses
Sec. 21.7 Minimum Yard Requirements
Sec. 22.2.1 By right
Sec. 22.2.2 By special use permit
Sec. 23.2.1 By right
Sec. 23.2.2 By special use permit
Sec. 24.2.1 By right
Sec. 24.2.2 By special use permit
Sec. 26.5 Minimum Yards
Sec. 30.3.11 Permitted and Prohibited Uses and Structures
Sec. 32.7.9.8 Tree Canopy
Sec. 35.1 Fees

By Adding:

Sec. 3.2 Rules of construction; general.
Sec. 3.3 Rules of construction; district regulations.

Chapter 18. Zoning

Article I. General Provisions

Section 3. Definitions and Rules of Construction

Sec. 3.1 Definitions

The following definitions shall apply in the administration of this chapter:

AIA noise impact area. “AIA noise impact area” means all land within the 65 DNL contour as delineated on the Existing Noise Contours Map (2003).

Airport protection area. “Airport protection area” means the imaginary conical, horizontal, transitional and approach surfaces as delineated and/or described on the Airport Airspace Drawing-Part 77.

“A” weighted sound level. “A” weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network expressed as dB(A) or dBA.

Access road. “Access road” means, for the purposes of County Code § 18-4.15, a public or private street that is not a through street or provides frontage to fewer than ten parcels.

Accessory Apartment. “Accessory apartment” means a separate, independent dwelling unit contained within the structure of and clearly subordinate to a single-family detached dwelling, as distinguished from a two-family dwelling.

Accessory merchandise. “Accessory merchandise” means non-agricultural merchandise that is subordinate and customarily incidental to the agricultural products sold at a farm sales use or a farmers’ market such as pottery, baskets, canning jars, pumpkin carving kits, wreath making supplies, floral arranging supplies, garden accessories, hand tools for gardening and handmade crafts. For the purposes of this definition, farm machinery and equipment, building materials, furniture, and other similar items are not subordinate merchandise.

Accessory use, building or structure. “Accessory use,” “building” or “structure” means a subordinate use, building or structure customarily incidental to and located upon the same lot occupied by the primary use, building, or structure, and located upon land zoned to allow the primary use, building or structure; provided that a subordinate use, building or structure customarily incidental to a primary farm use, building or structure need not be located upon the same lot occupied by the primary farm use, building, or structure. For the purposes of County Code § 18-1.7(c)(2), any street may serve any use or structure authorized by this chapter, regardless of whether the use or structure is on the same lot or in the same zoning district as the street.

Acoustic calibrator. “Acoustic calibrator” means an instrument which measures the accuracy of a sound level meter.

Address sign. “Address sign” means a sign containing the address of a structure or a site.

Advertising vehicle. “Advertising vehicle” means a motor vehicle, trailer or semi-trailer (collectively, “vehicle”) having a permanent or temporary sign affixed, painted on or placed upon it, including a sign that alters the vehicle’s manufacturer’s profile; provided that a temporary sign affixed to an employee’s private vehicle during his or her working hours is not an advertising vehicle.

Affordable housing. Affordable housing” means safe, decent housing where housing costs do not exceed 30 percent of the gross household income. For purposes of this definition, “housing costs” for homeowners are principal, interest, real estate taxes, and homeowner’s insurance (PITI), and for tenants are tenant-paid rent and tenant-paid utilities with the maximum allowances for utilities being those adopted by the county’s housing office for the Housing and Urban Development housing choice voucher program. For purposes of this chapter, an “affordable unit” is a dwelling unit that meets the definition of affordable housing.

Agricultural activity. “Agricultural activity” means a lawfully permitted activity pertaining to horticulture, viticulture, or gardening including, but not limited to: tilling soil for raising crops; keeping livestock, poultry, or both; operating agricultural industries or businesses, including, but not limited to, orchards, fruit packing plants, dairies, nurseries, farm sales, farm stands and farmers’ markets; or any combination of the foregoing activities.

Agricultural museum. “Agricultural museum” means an establishment operated as a repository or collection of curiosities or objects of agricultural interest or significance for public display.

Agricultural operation. “Agricultural operation” means any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This term includes aquaculture and plant nurseries.

Agricultural operation event. “Agricultural operation event” means an event conducted at, and subordinate to, an agricultural operation for up to three consecutive days comprised of: (i) agritourism-related events such as tastings not conducted in the daily course of agritourism, farm sales, or the sale of agricultural products or food products; farm-to-table dinners; agricultural festivals; and auctions or livestock shows pertaining to livestock, animals, or other agricultural products not grown or raised at that agricultural operation; (ii) events that promote the sale of agricultural or silvicultural products; (iii) events that promote the sale of food products; (iv) events that are usual and customary at Virginia agricultural operations; and (v) fundraisers and charity events.

Agricultural product sign. “Agricultural product sign” means a sign or signs identifying the produce, crops, animals or poultry raised or quartered on the property, or identifying farm sales, a farm stand, a farmers’ market or a farm winery.

Agricultural products. “Agricultural products” means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

Agricultural service occupation. “Agricultural service occupation” means an occupation in which skill and expertise in some agriculturally related field are applied to the service of others engaged in agriculture; provided that sales of goods shall be limited to those incidental to the performing of a service.

Agriculture. “Agriculture” means an agricultural operation, the keeping of livestock or poultry, or both, regardless of whether the keeping of livestock or poultry qualifies as an agricultural operation. The term includes accessory processing facilities for agricultural products grown or raised solely on the farm on which the agriculture is located, such as fruit packing plants and dairies. The term does not include any processing facilities permitted only by special use permit.

Agritourism. “Agritourism” means any activity carried out at a farm winery, farm brewery, farm distillery, or an agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture.

Alley. “Alley” means a form of vehicular travelway providing access to the rear and/or side lot line of abutting properties which front along public streets or private roads. An alley is privately owned and maintained, is intended to be used primarily by the owners and occupants of the abutting properties and persons and vehicles providing services to those properties, including emergency services vehicles, and is not intended for through traffic. An alley is neither a “private road” nor an “access easement,” as those terms are defined or used in this chapter and Chapter 14.

Alteration. “Alteration” means any change in the total floor area, use, adaptability or external appearance of an existing structure.

Alternative onsite sewage system. “Alternative onsite sewage system” means a treatment works approved by the Virginia Department of Health that is not a conventional onsite sewage system and does not result in a point source discharge.

Ambient sound. “Ambient sound” means the sound derived from all sound associated with a given environment, being usually a composite of sounds from many sources.

Amenity. “Amenity” means an indoor or outdoor area of activity designed principally for, and accessible to, persons residing or working within a development. An outdoor area of activity may be a passive or an active area, including but not limited to playgrounds, pedestrian paths through natural areas, courtyards, and paved pedestrian areas for gathering. An indoor area of activity includes, but is not limited to gyms, weight rooms, indoor swimming pools, and indoor basketball courts. Amenities may be located in required green space and be included in both required green space and amenity calculations.

Amusement center. “Amusement center” means any establishment, business, or location in which there are more than three amusement devices.

Amusement device. “Amusement device” means a mechanical, electrical, or electronic coin- or token-operated machine or device which may be operated by the public for use as a game, entertainment or amusement, including but not limited to such devices as pinball machines, video games or any game utilizing a video tube to reproduce symbolic figures but excluding machines or devices which provide an electronic reading or weight, photograph, lamination or item of merchandise such as blood pressure machines, photo booths, vending machines and the like. Amusement game machines shall also include such devices as pool tables, billiard tables, carom tables, shuffle bowling, and other such devices and gaming tables whether or not the same shall be coin- or token-operated.

Animal shelter. “Animal shelter” means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for prevention of cruelty to animals, animal rescue group, or any other such duly incorporated organization devoted to the welfare, protection, and humane treatment of animals.

Animated sign. “Animated sign” means a sign that moves or a sign that changes lighting by any mechanical, electrical or other device.

Antenna array. “Antenna array” means an orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

Application plan. “Application plan” means the graphic depiction of a proposed development containing the information required by County Code §§ 18-8.5.1(e) and 18-20A.4. A plan designated and approved as a general development plan for a neighborhood model district between March 19, 2003 and October 14, 2009 is an application plan for the purposes of this chapter.

Assisted living facility. “Assisted living facility” means a residential facility licensed by the Virginia Department of Social Services where a level of service is provided by an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (*i.e.*, abusive, aggressive, disruptive) as documented on the uniform assessment instrument.

Attached. “Attached” means when pertaining to structures, a physical connection to a structure by a structural element or structural feature.

Auction sign. “Auction sign” means a sign that advertises an auction to be conducted.

Avoidance area. “Avoidance area” means an area having significant resources where the initial siting of personal wireless service facilities could result in adverse impacts as follows: (i) any ridge area where a personal wireless service facility would be skylighted; (ii) a parcel within an agricultural and forestal district; (iii) a parcel within a historic district; (iv) any location in which the proposed personal wireless service facility

and three or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of 200 feet; or (v) any location within 200 feet of any state scenic highway or by-way.

Awning. “Awning” means a covering attached to a structure, erected on or over a window or door, and typically supported by a metal frame.

Awning sign. “Awning sign” means a type of projecting sign that is painted or printed on, or attached to, the surface of an awning.

Banner. “Banner” means a temporary sign that is not a pennant, consisting of a piece of fabric or other flexible material, suspended from a fixed structure, rope, wire, string or cable.

Base flood. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, and also referred to as the “one hundred year flood.”

Base flood elevation. “Base flood elevation” means the water surface elevation of the base flood in relation to the datum specified on the county’s Flood Insurance Rate Map or the elevation determined pursuant to County Code § 18-30.3.13(C).

Basement. “Basement” means a story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises. For purposes of County Code § 18-30.3 *et seq.*, the term “basement” means any area of a building having its floor sub-grade on all sides.

Base station. “Base station” means a structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network.

1. *Services to which the term applies.* The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. *Equipment to which the term applies and does not apply.* The term includes, but is not limited to, radio transceivers, antennas, coaxial, or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks. The term does not include any equipment associated with a tower.
3. *Structures to which the term applies and does not apply.* The term includes any structure, other than a tower, that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under County Code § 18-5.1.40 or the applicable zoning process in effect prior to October 13, 2004. The term does not include: (i) a tower as defined in this section; and (ii) any structure that, at the time the relevant application is filed with the county under County Code § 18-5.1.40, does not support or house equipment described in paragraphs (1) and (2) of this definition.

Bed and Breakfast. “Bed and breakfast” means a use composed of transient lodging provided within a single family dwelling and/or one or more structures that are accessory to the single family dwelling, having not more than five guest rooms in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use.

Billboard. “Billboard” means a freestanding off-site sign that exceeds 32 square feet in sign area.

Block. “Block” means an area shown on an application plan that is typically surrounded by streets and within which land use activities occur. Although blocks usually imply a grid street system, where steep topography exists blocks may exist in non-rectilinear shapes.

Board of Supervisor. “Board of Supervisors” means the governing body of the County of Albemarle, Virginia.

Boat livery. “Boat livery” means a commercial service providing boat hauling launching, and/or rental of boats, and other small watercraft, including but not limited to canoes, kayaks, and stand-up paddleboards.

Boarding camp. “Boarding camp” means a day camp except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

Boarding house. “Boarding house” means a use composed of a building arranged or used for lodging for thirty (30) consecutive days or longer, with or without meals, for compensation.

Body shop. “Body shop” means a facility, other than a private garage, designed or used for the repair, replacement and/or restoration of the body and/or chassis parts of motor vehicles, including collision repairs, in which mechanical repairs are performed only as is incidental and necessary to such body work.

Bonus tenant panel. “Bonus tenant panel” means an additional sign permitted for individual tenants in shopping centers or planned developments when added to one freestanding sign for the shopping center or planned development.

Borrow area, borrow pit. “Borrow area,” or “borrow pit” means a location at which soil and other related material is removed from the site for transportation to another site. Removal of soil and other related material as necessary to establish another permitted use upon the same site shall not be considered as the establishment of a borrow area or borrow pit.

Building. “Building” means any structure having a roof supported by columns or walls.

Building Code. “Building Code” means the Virginia Uniform Statewide Building Code.

Building height. “Building height” means the vertical distance measured from the level of the finished grade or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building permit. “Building permit” means a permit issued by the building official under the Building Code that is subject to the fees stated in County Code § 5-201.

Bundle sign. “Bundle sign” means a freestanding off-site sign that identifies two or more establishments or sites that are not part of a planned development district and share a common entrance or access road.

Canopy. “Canopy” means a permanent structure, or part thereof, that has a roof with support but no walls, and is intended as shelter.

Canopy sign. “Canopy sign” means a type of wall sign that is attached to the fascia of a canopy.

Carport. “Carport” means any space outside a main building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure that is more than 18 inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

Car wash. “Car wash” means an establishment for cleaning motor vehicles where the cleaning is performed using equipment, supplies and water provided by the establishment. The use previously identified in this chapter as “automobile laundry” is a car wash.

Caregiver. “Caregiver” means, for the purposes of temporary family health care structure regulations, an adult who provides care for a mentally or physically impaired person within the Commonwealth who is either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom care is given.

Cemetery. “Cemetery” means any land or structure used or intended to be used for the interment of human remains, either by earth-burial, entombment in a mausoleum, inurnment in a columbarium, or a combination thereof. The sprinkling of ashes or their burial in a biodegradable container on religious assembly use grounds, or their placement in a columbarium on religious assembly use property, is not a cemetery.

Certificate of Appropriateness. “Certificate of Appropriateness” means a decision made by the Architectural Review Board or, on appeal, the Board of Supervisors, certifying that a proposed structure or site improvements, or both, located within the entrance corridor overlay district, as may be modified by terms and conditions of the certificate, are consistent with the applicable design guidelines.

Certificate of occupancy. “Certificate of occupancy” means a certificate issued by the Building Official and the Zoning Administrator after final inspections certifying that a building or structure is in compliance with the Building Code and this chapter.

Child day center. “Child day center” means an establishment operated for the purpose of providing care, protection and guidance to two or more children under the age of thirteen in a facility that is not the residence of the provider or any of the children in care during the absence of a parent or guardian for less than a 24-hour period. “Child day center”, includes those establishments commonly known as preschools and nursery schools. The term “child day center” does not include: (1) an establishment licensed and regulated as a summer camp pursuant to Virginia Code § 35.1-1 *et seq.*; (2) a school extended day enrichment program; (3) a school, unless such school is operating a child day center outside of regular classes; and (4) a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. The uses previously identified in this chapter as “day care,” “child care centers,” “nurseries” (for children) and “nursery facilities” are child day centers.

Children’s residential facility. “Children’s residential facility” means a publicly or privately operated facility licensed by the Virginia Department of Social Services where 24-hour care is provided to children separated from their legal guardians. The use previously defined in this chapter as an “orphanage” is a children’s residential facility.

Class A Home occupation. “Class A home occupation” means an occupation, not expressly prohibited by County Code § 18-5.2, conducted for profit within a dwelling unit solely by one or more members of the

family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation.

Class B Home occupation. “Class B home occupation” means an occupation, not expressly prohibited by County Code § 18-5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation.

Club. “Club” means any nonprofit organization organized and operated to provide facilities for dining, golf, tennis, swimming and/or other similar activities to its private self-perpetuating membership.

Cluster development. “Cluster development” means a type of development design that concentrates lots in specific areas, does not exceed the gross density allowed within the zoning district, and allows the remaining land to be used for common open space.

Code of development. “Code of development” means the development standards for a neighborhood model district that include, but are not limited to, uses delineated at the block level, densities, maximum building heights, yards or build-to lines, and architectural and landscape treatments.

Collocation. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Commercial kennel. “Commercial kennel” means a place designed or prepared to house, board, breed, handle or otherwise keep or care for dogs and/or cats for sale or in return for compensation except as an accessory to a single-family dwelling.

Commercial speech. “Commercial speech” means speech that is an expression related solely to the economic interests of the speaker and its audience, concerns lawful activity, and is not misleading.

Commercial stable. “Commercial stable” means a building, group of buildings, or use of land, or any combination thereof, where, for compensation, whether monetary or goods, provision is made for horses or ponies for hire or instruction in riding.

Commission. “Commission” means the Planning Commission of Albemarle County, Virginia.

Common open space. “Common open space” means land within or directly adjunct to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. See also “Open Space”.

Community center. “Community center” means a place, structure, area or facility used for cultural, educational and/or recreational activities, which is open to the public and intended to serve the local community. A community center is different from a neighborhood center, which is a use that is typically accessory to a residential development.

Concealment elements of the eligible support structure. “Concealment elements of the eligible support structure” means any condition of approval, including any applicable requirement of County Code § 18-5.1.40 in effect at the time of approval, established and imposed on the personal wireless service facility as a concealment technique and which includes conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, including the requirement that antennas be flush mounted, maximum tower diameters at the base and top, limitations on tower height relative to a reference tree, screening by trees including the restrictions on removing trees that are screening the tower, siting towers so that they are not skylighted, requirements as to how cables should be located on a tower, and the size, location, design, and screening for ground based equipment.

Conditional Letter of Map Revision (CLOMR). “Conditional Letter of Map Revision” (“CLOMR”) means a formal review and comment by the Federal Emergency Management Agency as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to the delineation of special flood hazard areas, but which does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

Condominium. “Condominium” means real property, and any incidents thereto or interests therein, by the recordation of condominium instruments pursuant to the provisions of the Condominium Act (Virginia Code §55-79.39 et seq.), in which the undivided interests in the common elements are vested in the unit owners.

Conservation area. The term “conservation area” means an area identified on a plan submitted for approval which contains cultural assets or natural features such as non-tidal wetlands, floodplain, slopes identified in the open space element of the comprehensive plan, or streams and stream buffers, within which only limited disturbance or development is allowed. Uses allowed in conservation areas include, but are not limited to, utilities, greenways, pedestrian paths, streets, and stormwater management facilities, where, in the opinion of the County Engineer, no other location is reasonably available and when these improvements have the least impact possible on the environmental features of the area.

Construction sign. "Construction sign" means a sign that identifies a construction project and/or an architect, contractor, subcontractor, material supplier or lending institution participating in the construction project.

Convent. "Convent" means a long-term housing facility for bona fide members of a religious order, not intended to serve primarily as a temporary religious retreat. The term "convent" also includes "Monastery."

Conventional onsite sewage system. "Conventional onsite sewage system" means a treatment works approved by the Virginia Department of Health consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

Copy. "Copy" means the letters, figures, designs, devices, pictures, projected images, symbols, fixtures, colors, logos, emblems, or insignias displayed on a sign face.

Corner lot. "Corner lot" means a lot abutting on two or more streets at their intersection. The front of a corner lot shall be deemed to be the shortest of the sides fronting on streets except where existing development of such lot shall already have defined the front of such lot.

Cornice line. "Cornice line" means the location of a cornice along the top of a wall; or, for a wall that has no cornice, the corresponding horizontal line along the top of a wall where a cornice would traditionally be located. In all cases, the "cornice line" applies to the main walls of a building and does not apply to features that extend above the top of the main walls of a building.

Country store. "Country store" means a store whose primary use is to offer for sale a wide variety of retail merchandise.

Country store, Class A. "Class A country store" means a country store located in a historic country store building, and which may include accessory uses including those expressly authorized in County Code § 18-5.1.45.

Country store, Class B. The term "class B country store" means a country store located in a non-historic country store building, and which may include accessory uses including those expressly authorized in County Code § 18-5.1.45.

County-wide Certificate of Appropriateness. "County-wide certificate of appropriateness" means a decision made by the Architectural Review Board establishing specific design criteria consistent with applicable design guidelines for a class of structures, sites, improvements, or architectural elements. The decision applies to any structure, site, improvement or architectural element within that class that complies with the specific design criteria.

Cover. "Cover" means, as used in County Code § 18-4.12.3, a form-fitted default-free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view and, in the Rural Areas (RA) District, can include a tarpaulin or other cover that completely shields the body of an inoperable vehicle from view.

Craft Shop. "Craft shop" means an establishment wherein hand-made goods are offered for sale.

Crematorium. "Crematorium" means a location containing a properly installed, certified apparatus intended for use in the act of cremation.

Critical slopes. "Critical slopes" means slopes, other than managed or preserved slopes, of 25 percent or greater as determined by reference to either current topographic mapping available from the County or a more accurate field survey certified by a professional surveyor or engineer. Slopes of 25 percent or greater which are lawfully created within a development that was approved by the County shall not be considered critical slopes.

Cultural arts center. "Cultural arts center" means 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.

Dairy. "Dairy" means a commercial establishment for the manufacture and sale of dairy products.

Dam break inundation zone. "Dam break inundation zone" means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam that has been mapped as provided in Virginia Code § 10.1-606.2.

Data center. "Data center" means a facility 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.

Day camp. “Day camp” means a lot, tract or parcel of land operated as a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement devices, or permanent structures for housing of guests.

Daytime. “Daytime” means, for the purposes of noise regulation, that period of a day beginning at 7:00 a.m. and ending at 10:00 p.m., each day of the week.

Decibel. “Decibel” means a unit for measuring the volume of a sound equal to twenty times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Detached. “Detached” means, when pertaining to structures, the absence of a physical connection to a structure by a structural element or structural feature.

Development. “Development,” as used in regulations pertaining to dam break inundation zones, means one or more lots developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more dwelling units, but does not include any lot or lots that will be principally devoted to agricultural production. For purposes of floodplain management, “development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development lot. “Development lot” means a lot within a rural preservation development, other than a rural preservation tract, created for the purpose of residential or other permitted usage.

Devoted to the bona fide production of crops, animals, or fowl. “Devoted to the bona fide production of crops, animals, or fowl” means, as used in the definition of “agricultural operation,” any lot on which the production of one or more agricultural products is a primary use (“agricultural production”) and the agricultural production is engaged in good faith and not merely to enable the lot to be eligible to host events and activities at an agricultural operation as provided in County Code §§ 18-5.1.58, 18-10.2.1(30), 18-10.2.2(56), 18-11.3.1(29), and 18-11.3.2(10). In determining whether the agricultural production is a primary use and engaged in good faith, the following factors may be considered: (i) whether the lot is subject to use value assessment because it is real estate devoted agriculture, horticulture, or silviculture; (ii) the acreage in agricultural production; (iii) the proportion of the lot’s acreage in agricultural production; (iv) the crops, animals, or fowl being produced; (v) the acreage of the lot and of the site; (vi) the owner’s federal tax forms including Form 1040F (Farm Expense and Income), Form 4385 (Farm Rental Income and Expenses), Form 1040E (Cash Rent for Agricultural Land), Form 1040C (Business Profit and Loss), or Form 1120 (Corporate Partnership); (vii) receipts showing gross sales over the most recent three-year period or evidence of the value of agricultural products that would have been sold but for a natural disaster; (viii) the proportion of the owner’s total income derived from agricultural production on the site; (ix) evidence of participation in a federal farm subsidy program; (x) evidence of operating under a conservation farm management plan prepared by a professional; (xi) the proportion of capital investment in the site devoted to the production of agricultural products, operating, and labor expenses; (xii) Albemarle County-level United States Department of Agriculture Census of Agriculture data; and (xiii) any other relevant factors.

Digital source file. “Digital source file” means the media type and format to which an analog or digital source material is encoded, and the file is used to produce a digital derivative.

Directional sign. “Directional sign” means a freestanding off-site sign that directs vehicular or pedestrian traffic, or both, to an establishment and displays the establishment name, distance, an arrow providing direction, or any combination of the foregoing.

District. “District” means, unless the context clearly indicates otherwise, a zoning district as referred to in Virginia Code § 15.2-2280.

Drive-in-Theater. “Drive-in theater” means a theater so laid out that patrons can be accommodated while remaining in their automobiles.

Drive-through window. “Drive-through window” means an accessory facility designed to provide access to commercial products and/or services for customers remaining in their motor vehicle, provided that this term does not include providing services to customers remaining in their motor vehicle while it is parked in a parking space.

Driveway. “Driveway” means a form of vehicular access from a public street, private road or alley to the interior of a lot or parcel of land.

Dwelling unit. “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. “Easement” means a right to use the land of another in a particular manner and for a particular purpose.

Eave. “Eave” means the lower portion of a roof that overhangs the wall.

Electric message sign. "Electric message sign" means a sign on which the copy can be changed or altered by electric, electro-mechanical or electronic means.

Elevated building. "Elevated building" means a building without a basement built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Eligible support structure. "Eligible support structure" means any tower or base station, provided that it is existing at the time the relevant application is filed with the County.

Emergency operation. "Emergency operation" means any emergency service provided by any police, sheriff, fire or fire and rescue department, any ambulance service or any other emergency service requiring a prompt response, and any emergency repair of public facilities or public utilities.

Encroachment. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Energy and communications transmission facilities. "Energy and communications transmission facilities" means 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; but excluding personal wireless service facilities.

Equivalent sound level (Leq). "Equivalent sound level" means the average sound level accumulated over a given period of time. The equivalent sound level is the A-weighted sound level corresponding to a steady state sound level containing the same total sound energy as the time varying signal over a given period of time, determined using a sound level meter as set forth in the American National Standards for Sound Level Meters.

Erect. "Erect" means, in the appropriate context, to affix, construct, hang, install, locate, paint, place or print.

Establishment. "Establishment" means a public or private institution or a place of business. For purposes of this definition, the number of franchises held by an automobile dealership shall not be relevant to the determination as to what is an establishment.

Exempt collocation. "Exempt collocation" means a collocation that would not result in a substantial change in the physical dimensions of an eligible support structure.

Exempt replacement. "Exempt replacement" means a replacement that would not result in a substantial change in the physical dimensions of the eligible support structure.

Existing building. "Existing building" means, as used in County Code § 18-5.1.40 and any definitions pertaining to personal wireless service facilities, a building that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area, and other structure requirements of the district in which the building is located.

Existing manufactured home park or subdivision. For floodplain management purposes, "existing manufactured home park or subdivision" means any manufactured home park or subdivision lawfully approved and recorded before the effective date of the Flood Insurance Rate Map or before January 1, 1975 for Flood Insurance Rate Maps effective before that date.

Existing structure. "Existing structure" means, as used in County Code § 18-5.1.40 and any definitions pertaining to personal wireless service facilities, a structure, other than a flagpole or an existing personal wireless service facility that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area or other structure requirements of the district in which the structure is located. For floodplain management purposes, the term "existing structure" means any structure for which the "start of construction" commenced before the effective date of the Flood Insurance Rate Map or before January 1, 1975 for Flood Insurance Rate Maps effective before that date.

Existing tower or existing base station. "Existing tower or existing base station" means as referred to in the definition of "eligible support structure," a constructed tower or base station that has been reviewed and approved under the applicable zoning process, provided that a tower that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, is existing for purposes of this definition.

Exploratory drilling. "Exploratory drilling" means the process of excavation, drilling, boring, or core boring of wells or other holes in the earth, by any process, for purposes of determining the presence of coal, petroleum, natural gas, sand, gravel, ore, or other minerals, other than water, and not including the extraction of any soil, rock or other material except for purposes of analysis. The term exploratory drilling shall be deemed to include all activities appurtenant or accessory thereto, including, without limitation, the construction of access roads and disposition of drilling spoil; but it shall not be deemed to include drilling of holes not more than 125 feet in depth, designed solely to determine the geologic suitability of a site for the construction of structures.

Facility vehicle. "Facility vehicle" means a van, pickup truck, car or other passenger vehicle licensed for

street use, intended for daily business use by a contractor in the operation of a contracting business, and stored at the contractor's yard overnight. Loaders, backhoes, bulldozers, dump trucks and similar construction equipment are not facility vehicles.

Fake mansard roof. "Fake mansard roof" means a roof constructed in the fashion of a mansard roof, any portion of which extends below the intersection of the wall face and roof decking.

Fall zone. "Fall zone" means a zone on the surface of the ground that is a circle whose center is the proposed or standing personal wireless service facility or small wind turbine (the "facility or turbine"), where the radius is measured from the outer surface of the facility's or turbine's pole or other vertical structure immediately above its foundation, and where the radius is: (i) for facilities, equal to the height of the facility; and (ii) for turbines, equal to the height of the turbine plus a distance of 20 feet.

Family. The term "family" means 1. An individual; or 2. Two or more persons related by blood, marriage, adoption, or guardianship, and/or not more than two unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit; or: 3. For the purposes of this ordinance the following shall not apply to the R-1, R-2 and R-4 residential districts: a group of not more than six persons not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a dwelling or dwelling unit.

Family day home. "Family day home" means a child day program offered in the dwelling unit of the provider or the dwelling unit that is the home of any of the children in care for twelve or fewer children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. For the purposes of this definition, a child day program is a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24 hour period.

Farm. "Farm" means one or more parcels of land, whether such parcels are abutting or not, operated under the same management and whose primary use is agriculture.

Farm brewery. "Farm brewery" means an establishment located on one or more lots in the County licensed as a limited brewery under Virginia Code § 4.1-208.

Farm brewery event. "Farm brewery event" means an event that is not a wedding, a wedding reception, or "other events" as that term is defined in County Code § 18-5.1.57(c)(5), conducted at a farm brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which may be, but is not limited to, beer festivals; receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brewmasters' dinners where beer is paired with food; agritourism promotions; and fundraisers and charity events.

Farm distillery. Farm distillery means an establishment located on one or more lots in the County to which a limited distiller's license is issued under Virginia Code § 4.1-206.

Farm distillery event. "Farm distillery event" means an event that is not a wedding, a wedding reception, or "other events" as that term is defined in County Code § 18-5.1.59(c)(5), conducted at a farm distillery on one or more days, where the purpose is agritourism or to promote the sale of distilled spirits, and which may be, but is not limited to, distilled spirits festivals; receptions where distilled spirits are sold or served; distilled spirits club meetings and activities; distilled spirits tasting educational seminars; distilled spirits tasting luncheons, business meetings, and corporate luncheons with a focus on selling distilled spirits; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; distillers' dinners where distilled spirits are paired with food; agritourism promotions; and fundraisers and charity events.

Farm Sales. "Farm sales" means the sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located.

Farm Stand. "Farm stand" means the sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in the County, but not on the lot on which the farm stand is located.

Farm tour. "Farm tour" means an event organized by two or more agricultural operations or by a third party, to which the public is invited to visit two or more agricultural operations, and which may include educational programs, workshops, or demonstrations related to agriculture or silviculture.

Farm winery. "Farm winery" means an establishment located on one or more lots in Albemarle County licensed as a farm winery under Virginia Code § 4.1-207.

Farm winery event. "Farm winery event" means an event conducted at a farm winery on one or more days where the purpose is agritourism or to promote wine sales including, but not limited to, gatherings not otherwise expressly authorized as a use under County Code § 18-5.1.25(a), (b)(1) and (b)(3) through (b)(10) including, but not limited to wine fairs, receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons, business meetings, and corporate

luncheons with a focus on selling wines; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers' dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events.

Farm worker housing, Class A. "Class A farm worker housing" means: (i) structures located on a farm that are designed and arranged to be occupied exclusively by up to ten (10) persons employed to work on the farm on which the structures are located for seasonal agriculture work or up to ten persons including the farm workers and their immediate families; (ii) the number of such structures designed and arranged for sleeping does not exceed two; and (iii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets).

Farm worker housing, Class B. "Class B farm worker housing" means: (i) either structures located on a farm that are designed and arranged to be occupied exclusively by more than ten persons employed to work on the farm on which the structures are located for seasonal agriculture work or more than ten persons including the farm workers and their immediate families, or the number of such structures designed and arranged for sleeping is three or more, regardless of the number of farm workers or their family members who could sleep in such structures; and (ii) no single structure contains all of the following: provisions for sleeping, eating, food preparation, and sanitation (bathing and/or toilets).

Farmers' market. "Farmers' market" means the sale of agricultural products, value-added products, and accessory merchandise either outdoors or within a temporary or permanent structure by two or more vendors in the rural areas (RA) zoning district or by one or more vendors in any other zoning district where the use is allowed, where each vendor selling the products and merchandise is engaged in production agriculture in the County regardless of whether it is on or not on the lot on which the farmers' market is located.

Fascia. "Fascia" means one or more of the vertical faces of the roof of a canopy or structure.

Fill area or waste area. "Fill area" or "waste area" means a location at which soil or inert materials is placed on a site other than the site where the material was excavated or removed. The placement of soil or inert materials as necessary to establish a permitted use on the parcel or development from which it was excavated shall not be considered a fill area or a waste area.

Flag. "Flag" means a sign consisting of a piece of fabric or other flexible material attached to a flag pole, except as otherwise authorized. A flag representing the official symbol of a national, state or local government is not a sign for the purposes of County Code § 18-4.15 (for federal law pertaining to flying the flag of the United States of America, see 4 U.S.C. § 5 *et seq.*). A "commercial flag" is a flag that contains commercial speech. A "noncommercial flag" is a flag that contains no commercial speech, such as decorative, hospitality, and seasonal flags containing no advertising, words or logos related to a specific business, product or service, and does not represent the official symbol of a national, state or local government.

Flashing sign. "Flashing sign" means an illuminated sign of which all or part of the illumination is flashing or intermittent, or changing in degrees of intensity, brightness or color.

Flood or flooding. "Flood" or "flooding" mean either (i) a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, the unusual and rapid accumulation or runoff of surface waters from any source; or mudflows which are proximately caused by flooding from unusual and rapid accumulation or runoff of surface waters from any source, and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or (ii) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding from the overflow of inland waters.

Flood Insurance Rate Map (FIRM). "Flood Insurance Rate Map" ("FIRM") means a map of the County on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable within the county.

Flood Insurance Study (FIS). "Flood Insurance Study" ("FIS") means a report by the Federal Emergency Management Agency that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain. "Floodplain" means any land area susceptible to being inundated by water from any source.

Flood proofing. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain impact plan. "Floodplain impact plan" means a plan prepared by a professional engineer or other professional of demonstrated qualifications, and submitted to the floodplain administrator in sufficient detail as provided in the Design Standards Manual to allow him to conduct a complete review of the impacts to the floodplain that may be caused by an encroachment, wherein the plan is composed of hydrologic and

hydraulic analyses performed in accordance with standard engineering practices and demonstrating that a proposed encroachment will not result in an increase in water surface elevation or a change in boundaries of the base flood above that allowed in the particular zone within the county during the occurrence of the base flood discharge, and studies, analyses, computations, and the plan preparer's certification that the technical methods used correctly reflect currently-accepted technical concepts.

Floodway fringe. "Floodway fringe" means 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 depicted on the Flood Insurance Rate Map.

Floor area ratio. "Floor area ratio" is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Freeboard. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management, for the primary purpose of compensating for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed, all of which, in turn, may allow flood insurance premiums to be reduced below that which they might otherwise be.

Freeboard elevation. "Freeboard elevation" means the base flood elevation plus one foot.

Freestanding sign. "Freestanding sign" means a sign that is supported from the ground and not attached to a structure. See Figure III following County Code § 18-4.12.13.

Front Yard. "Front yard" means an open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

Frontage. "Frontage" means the continuous uninterrupted distance along which a parcel abuts a single adjacent road or street.

Full cutoff luminaire. "Full cutoff luminaire" means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.

Golf courses. "Golf courses" means any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges.

Golf driving range. "Golf driving range" means a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing body. The term "governing body" means the Board of Supervisors of Albemarle County, Virginia.

Governmental speech. "Governmental speech" means speech that is a message of the government.

Green space. "Green space" means an area of land covered in grass or other vegetation or a water feature required by this chapter. Uses in green space may include, but are not limited to, stormwater areas, wooded slopes, graded and revegetated slopes of 25% to 50%, required yards on both residential and non-residential lots, landscaped areas, landscaped islands in parking lots, and other land covered in vegetation. Where areas for amenities are vegetated, such as in parks and playgrounds, amenities shall be included in required green space calculations.

Gross floor area. "Gross floor area" means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" includes basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural head room of six feet, six inches or more; penthouses, attic space, whether or not a floor has actually been laid, providing structural head room of six feet, six inches or more; interior balconies; and mezzanines. The gross floor area of structures devoted to bulk storage of materials, including, but not limited to grain elevators and petroleum storage tanks, shall be computed by counting each ten feet of height or fraction thereof, as being equal to one floor.

The term "gross floor area" does not include cellars or outside balconies which do not exceed a projection of six feet beyond the exterior walls of the building. Parking structures below or above grade and roof top mechanical structures are excluded from gross floor area.

Gross residential area. "Gross residential area" means the total area of land and water within a residential development.

Gross residential density. "Gross residential density" means the total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.

Group home. "Group home" means, for the purposes of this chapter, a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside with one or more resident or nonresident staff persons and which is licensed by the Virginia Department of Behavioral Health and Developmental Services or other licensing authority. For purposes of this definition "mental illness or developmental disability" shall not include current illegal use of or addiction to a controlled

substance as defined in Virginia Code § 54.1-3401, but shall include aged or infirm persons.

Guest Room. “Guest room” means a room which is intended, arranged or designed to be occupied, or which is occupied by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

Habitable space. “Habitable space” means an enclosed area having more than 20 linear feet of finished walls composed of, but not limited to, drywall, paneling, masonry, lath and plaster, or used for any purpose other than solely for parking of vehicles, building access, or storage.

Half story. “Half story” means a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Heavy equipment. The term “heavy equipment” means equipment that requires an oversize/overweight permit from the Virginia Department of Motor Vehicles to be transported over public highways.

Heavy equipment and heavy vehicle parking and storage yard. “Heavy equipment and heavy vehicle parking and storage yard” means an area used for parking, storing or maintaining heavy equipment and heavy vehicles used off-site in the trade, business or other commercial or industrial activity of the owner or occupant (collectively, the “off-site activity”), and which may include storing and maintaining heavy equipment and heavy vehicles within buildings or structures and storing explosives, including blasting caps, that are used in the off-site activity, and kerosene and other volatile materials in volumes that are reasonably necessary to maintain equipment and vehicles; but which use does not include storing nuclear products, by-products or wastes.

Heavy vehicles. “Heavy vehicles” means vehicles that have more than five axles or haul heavy equipment. For the purposes of this definition, the axles of tractor trucks and their trailers shall be counted as though they are a single vehicle.

Helicopter. “Helicopter” means a rotorcraft which, for its horizontal motion, depends principally on engine driven rotors.

Heliport. “Heliport” means an area of land or water or a structure used or intended to be used for the take-off or landing of a helicopter.

Helistop. “Helistop” means a heliport without auxiliary facilities as waiting room, hangar, parking, fueling or maintenance facilities.

High intensity discharge lamp. “High intensity discharge lamp” means a mercury vapor, metal halide, or high pressure sodium lamp, and for purposes of County Code § 18-4.17, a low pressure sodium lamp.

Highest adjacent grade. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historical center. “Historical center” means one or more buildings, structures or facilities designed or used for educational or interpretative activities related to natural, cultural, or agricultural history which are open to the public and located at or adjacent to a historic resource. For purposes of this definition, a “historic resource” is a district, site, building or structure with architectural, engineering, archaeological, or cultural remains present, which possesses integrity of location, design, setting, materials, workmanship, and association, and which is associated with one or more of the following historical or cultural themes: (i) events that have made a significant contribution to the broad patterns of local, state or national history; (ii) the lives of persons significant in local, state or national history; (iii) the embodiment of distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or (iv) yielding information important to prehistory or history.

Historic country store building. “Historic country store building” means a building whose primary use at any time on or prior to January 1, 1965 was a country store.

Historic district. “Historic district” means any historic district listed in the National Register of Historic Places or the Virginia Landmarks Register.

Historic structure or site. “Historic structure” or “historic site” means any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register. For floodplain management purposes, the term “historic structure” means any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a Secretary of the Interior-approved State inventory of historic places; or (iv) individually listed on a county inventory of historic places under a county historic preservation program that has been certified by an approved State program as determined by the Secretary of the Interior.

Hog Farm. “Hog farm” means a place where hogs are kept and raised primarily for sale.

Home garden. “Home garden” means an activity accessory to residential usage of a property involving the cultivation of flowers, vegetables, fruit and/or other plants primarily for the consumption or enjoyment of the residents of such property, but expressly excluding the keeping of livestock and/or poultry.

Home occupation sign. “Home occupation sign” means a sign on the premises of a dwelling unit that has an authorized Class B or major home occupation that does not exceed four square feet in sign area and only states the name of the person occupying the dwelling and identifies the product or service offered by the home occupation.

Hospital. “Hospital” means a building or group of buildings designed, used or intended to be used, for the care of the sick, aged or infirmed, including the care of mental, drug-addiction or alcoholic cases. This terminology shall include, but not be limited to, skilled nursing facilities.

Hotel. “Hotel” means a use composed of transient lodging provided within one or more buildings having six or more guest rooms that provides transient lodging.

Hydroelectric power plant. “Hydroelectric power plant” means an establishment for the generation of electricity using water sources.

Hydrologic and hydraulic analyses. “Hydrologic analysis” and “hydraulic analysis” mean analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and the Federal Emergency Management Agency, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Illuminated sign. “Illuminated sign” means a sign, or any part of a sign, that is illuminated by an external or internal light source.

Impounding structure. “Impounding structure” means a man-made structure, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store waters or other materials and includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater; and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The term “impounding structure” does not include dams licensed by the State Corporation Commission that are subject to a safety inspection program; dams owned or licensed by the United States government; dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; water or silt retaining dams approved pursuant to Virginia Code § 45.1-222 or 45.1-225.1; or obstructions in a canal used to raise or lower water.

Impulse sound. “Impulse sound” means any sound of short duration with an abrupt onset and rapid decay. This includes but is not limited to explosions, drum beats, drop forge impacts, discharge of firearms and one object striking another.

Independent offices. “Independent offices” means, offices that are not “industrial offices” located within industrial districts.

Indoor athletic facility. “Indoor athletic facility” means a building or structure in which recreational, therapeutic, or athletic activities are conducted whether or not under instruction, such as but not limited to: racquet sports, court games such as basketball or pickleball, swimming, aerobics, and weightlifting but excluding such uses as: bowling alley, billiard hall, bingo, miniature golf, amusement center and dance halls.

Industrial offices. “Industrial offices” means offices that are owned and operated by the same business entity engaged in a Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/ Assembly/Fabrication/Recycling, or a Storage/Warehousing/Distribution/Transportation use located in the County or the City of Charlottesville, where the offices provide services to the industrial use but which need not be on the same site as the industrial use. For the purposes of this definition, “Offices that are owned and operated by the same business entity” does not mean offices that are part of an entity that is in an affiliated business entity relationship or a parent-subsidary relationship with the entity engaged in the industrial use.

Industrialized building. “Industrialized building” means a combination of one or more sections or modules, subject to state regulation, and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. For purposes of this definition, a manufactured home is not an industrialized building.

Inert materials. “Inert materials” means solid materials that are physically, chemically and biologically stable from further degradation and considered to be nonreactive, including rubble, concrete, bricks, broken bricks and blocks, and asphalt pavement.

Infill. “Infill” means, as used in County Code § 18-4.19, when 40% or more, in the aggregate, of the residentially zoned lots fronting on a street are developed within 500 feet in both directions of the subject lot having less than 120 feet of frontage on the same street at the time that it is developed, and development of the subject lot begins more than five years after the date: (i) the final subdivision plat that created the lot

was recorded in the Clerk's office of the Circuit Court of the County; or (ii) the final site plan depicting the development of the lot was approved by the County.

Inoperable vehicle. "Inoperable vehicle" means any motor vehicle, trailer or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by State law to display valid license plates; (iii) it does not display an inspection decal if the vehicle is required by State law to display a valid inspection decal; or (iv) it displays an inspection decal that has been expired for more than 60 days.

Interior lot. "Interior lot" means any lot other than a corner lot.

Junk. "Junk" means any scrap, discarded, dismantled or inoperable: vehicles, including parts or machinery thereof; household furniture and appliances; construction equipment and materials; tanks, containers, drums, and the contents thereof; and tires, pipes, wire, wood, paper, metals, rags, glass, plastic, food and related types of waste material.

Junkyard. "Junkyard" means any land or structure used for the abandonment, baling, collection, dismantling, maintenance, recycling, sale, salvaging, storage, or wreckage of junk.

Laboratories/Research and Development/Experimental Testing. "Laboratories/research and development/experimental testing" means scientific research, testing, investigation or experimentation, the development of prototype products, and/or the assembly or manufacture of prototype products and including, but not limited to, bioscience and medical devices research, development and manufacturing, and information technology and defense security research, development and manufacturing; scientific or technical instruction.

Lamp. "Lamp" means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Letter of Map Amendment (LOMA). "Letter of Map Amendment" ("LOMA") means an amendment based on technical data showing that a parcel, site or structure was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a particular parcel or site as described by metes and bounds, or a structure, is not located in a special flood hazard area.

Letter of Map Change (LOMC). "Letter of Map Change" ("LOMC") means an official Federal Emergency Management Agency determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study in the form of a Letter of Map Amendment, a Letter of Map Revision, or any other similar official Federal Emergency Management Agency determination made by letter.

Letter of Map Revision (LOMR). "Letter of Map Revision" ("LOMR") means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and regulatory floodway delineations, and planimetric features.

Letter of Map Revision Based on Fill (LOMR-F). "Letter of Map Revision Based on Fill" ("LOMR-F") means a revision based on technical data making the determination that a parcel, site or structure has been elevated by fill, authorized and placed in accordance with County Code §18-30.3 and all other requirements of this chapter, above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood.

Livestock. "Livestock" means domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep.

Local agricultural products. "Local agricultural products" means agricultural products grown or produced in Albemarle County or its abutting localities.

Lodge. "Lodge" means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities.

Lot. "Lot" means a parcel of land either shown on a plat of record or described by metes and bounds or other legal description.

Lot of record. The term "lot of record" means a lot shown on a subdivision plat or other lawful plat or legal description which is lawfully recorded in the Clerk's Office of the Circuit Court of the County.

Lowest floor. "Lowest floor" means the lowest enclosed area (including basement) of a building, provided that an unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, and further provided that the enclosed area is not built so as to render the building in violation of the applicable non-elevation design requirements of County Code § 18-30.3.15 and 44 CFR §60.3.

Lumen. "Lumen" means a standard unit of measurement of luminous flux.

Luminaire. “Luminaire” means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Main building. “Main building” means the principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Maintain. “Maintain” means, for the purposes of sign regulations, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter in any way, however slight, the copy, design, or the structure of the sign.

Major home occupation. “Major home occupation” means an occupation, not expressly prohibited by County Code § 18-5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation.

Managed slopes. “Managed slopes” means slopes of 25 percent or greater depicted as a managed slope on the map entitled “Steep Slopes Overlay District,” adopted by the Board of Supervisors on March 5, 2014.

Mansard roof. “Mansard roof” means a roof having two slopes on all sides with the lower portion having a steeper slope than the upper portion. This definition shall apply to any roof having a flat upper portion and sloped sides.

Manufacture or manufacturing. “Manufacture” or “manufacturing” means the transformation of materials into an article or a product of substantially different character or use.

Manufactured home. The term “manufactured home” means a structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The structure and use commonly known as a “mobile home” is a manufactured home. For floodplain management purposes, “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on a site for longer than 180 consecutive days, but does not include a recreational vehicle.

Manufactured home park. “Manufactured home park” means one or more contiguous parcels of land in which three or more rental lots are provided for manufactured homes.

Manufactured home subdivision. “Manufactured home subdivision” means a subdivision of land for the purpose of providing lots for sale for manufactured homes.

Manufacturing/Processing/Assembly/Fabrication/Recycling. The term “manufacturing/processing/assembly/fabrication/recycling” means the processing and/or converting of goods, materials or products; the assembly of components, pieces or subassemblies into articles or substances of different character, or for use for a different purpose.

Marquee. “Marquee” means a fixed covering that projects over an entrance to a theater or other building.

Marquee sign. “Marquee sign” means a type of wall sign incorporated in or attached to a marquee, and that may have changeable copy.

Medical laboratory. “Medical laboratory” means a building or part thereof devoted to bacteriological, biological, x-ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals; and production, fitting and/or sale of optical or prosthetic appliances.

Mentally or physically impaired person. “Mentally impaired person” or “physically impaired person” means, for the purposes of temporary family health care structure regulations, a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Virginia Code § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Menu sign. “Menu sign” means a sign designed and located to be read from a drive-thru lane.

Minor home occupation. “Minor home occupation” means an occupation, not expressly prohibited by County Code § 18-5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation.

Mobile personal wireless service facility. “Mobile personal wireless service facility” means a portable self-contained personal wireless service facility site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis.

Moving sign. “Moving sign” means a sign, any part of which moves by means of an electrical, mechanical or other device, or that is set in motion by wind.

Museum. “Museum” means an establishment devoted to the procurement, care, study and display of objects of lasting value or interest.

Multiple-family dwelling. “Multiple-family dwelling” means a structure arranged or designed to be occupied by more than two families, the structure having more than two dwelling units.

Natural Resource Extraction. “Natural resource extraction” means the process by which coal petroleum, natural gas, soil, sand, gravel, ore, or other minerals are removed from any open pit, borings or any other underground workings and produced for sale, exchange or commercial use or otherwise removed from the site, and all shafts, slopes, drifts or inclines leading thereto and including all buildings, structures and equipment above and below the surface of the ground used in connection with such process. Natural resource extraction as defined herein shall not be deemed to include: exploratory activities designed to determine the presence of coal, petroleum, natural gas, soil, sand, gravel, ore, or other minerals, including but not limited to, excavation, drilling, boring or core boring; the drilling or boring of wells for the purpose of obtaining water; nor the removal of soil and other related material as necessary to establish another permitted use upon the same site.

Nearby lot. “Nearby lot” means, for the purposes of calculating shared parking, a lot within one-quarter (1/4) mile of the lot with which parking will be shared. Within the Downtown Crozet District (DCD), the term “nearby lot” means a lot within the DCD or a lot within one-quarter mile of the lot with which parking will be shared.

Net floor area. “Net floor area” means the sum of the total horizontal areas of the several floors of all buildings on a lot measured from the interior faces of exterior walls and from the centerline of walls separating two or more buildings. The term “net floor area” shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, roof top mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators and areas under a sloping ceiling where the head room in 50 percent of such area is less than six feet, six inches.

Net residential area. “Net residential area” means that area of land and water within a development designed for residential purposes and unoccupied by streets, open space or parking areas, provided that individual private driveways accessory to residential uses shall not be considered streets or parking areas. “Net residential area” as defined here does not apply to comprehensive plan net residential area designations.

Net residential density. “Net residential density” means the total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre. “Net residential density” as defined here does not apply to comprehensive plan net residential density designations.

New construction. “New construction” means, for floodplain management purposes, structures for which the start of construction commenced on or after December 16, 1980 and includes any subsequent improvements to such structures.

Nighttime. “Nighttime” means, for the purposes of noise regulation, that period of a day beginning at 10:00 p.m. and ending at 7:00 a.m., each day of the week.

Noise. “Noise” means any sound which violates the sound level standards of County Code § 18-4.18, but does not include any sound which is exempt pursuant to County Code § 18-4.18.05.

Noncommercial speech. “Noncommercial speech” means speech that is not commercial speech, but does not include expressions related solely to the economic interests of the speaker and its audience that do not concern lawful activity or are misleading.

Nonconforming lot. “Nonconforming lot” means a lawful lot of record existing on the effective date of the zoning regulations applicable to the district in which the lot is located, that does not comply with County Code § 18-4 and the minimum applicable size, frontage, width, building site or other lot requirements of that zoning district.

Nonconforming sign. “Nonconforming sign” means a lawful sign existing on the effective date of County Code § 18-4.15 that does not comply with the requirements contained herein.

Nonconforming Structure. “Nonconforming structure” means a lawful structure existing on the effective date of the zoning regulations applicable to the district, including any overlay district, in which the structure is located, that does not comply with the minimum applicable bulk, height, setback, floor area or other structure requirements of that district.

Nonconforming Use. “Nonconforming use” means a lawful principal use of the lot or a Class A, Class B, major or minor home occupation existing on the effective date of the zoning regulations applicable to the district in which the use is located, or a more restricted use, that does not comply with the applicable use regulations of that zoning district. A nonconforming use may have accessory uses, but an accessory use, other than a Class A, Class B, major or minor home occupation, shall not be eligible to be a nonconforming use. A use that is seasonal on the effective date of this chapter shall be eligible to be a nonconforming use.

A use that is casual, intermittent, or temporary on the effective date of this chapter shall not be eligible to be a nonconforming use.

Non-historic country store building. “Non-historic country store building” means a building constructed after January 1, 1965 whose primary use at any time after that date was a country store.

Non-tidal wetland. “Non-tidal wetland means a wetland, other than a tidal wetland, that is inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as defined by the United States Environmental Protection Agency pursuant to section 404 of the federal Clean Water Act, in 33 C.F.R. § 328.3(b).

Off-site directional sign. “Off-site directional sign” means a type of freestanding off-site sign that directs vehicular or pedestrian traffic, or both.

On-site directional sign. “On-site directional sign” means a type of on-site freestanding or wall sign—that directs vehicular or pedestrian traffic, or both, that is not erected at the road entrance to the development, and includes, but is not limited to, a sign that has non-electric changeable copy enclosed in a casement covered by a transparent material.

Off-site sign. “Off-site sign” means: (i) within a district other than a planned development district, a sign that is not located on the same lot with the use to which it pertains, but does not include a sign located in a public right-of-way; or (ii) within a planned development district, a sign that is not located within the area depicted on the application plan approved for the planned development, but does not include a sign located in a public right-of-way.

Off-street parking area. “Off-street parking area” means space provided for vehicular parking outside of any public street right-of-way.

Office. “Office” means a room or group of rooms used for conducting the affairs of a business, profession, medical or dental practice, or government. The uses previously identified in this chapter as “administrative office” and “professional office” are offices.

Onsite sewage system. “Onsite sewage system” means a conventional onsite sewage system or an alternative onsite sewage system.

On-site sign. “On-site sign” means a sign located on the same lot with the principal use to which it pertains, and includes every sign whose copy is exclusively noncommercial speech.

Opaque background. “Opaque background” means the portion of the face of a sign that lies behind the message portion of the sign, made of a material through which light cannot pass when the sign is internally illuminated at night.

Open Space. “Open space” means land or water left in undisturbed natural condition and unoccupied by building lots, structures, streets, or parking lots except as otherwise specifically provided in County Code § 18-4.7.

Outdoor. “Outdoor” means either outside a structure, or inside a structure that has open windows, doors or other openings so as to allow the activity inside the structure to be visible or audible outside the structure.

Outdoor amphitheater. “Outdoor amphitheater” means a permanent structure, whether open or enclosed, including a stage and tiered and/or sloped seating.

Outdoor drama theater. “Outdoor drama theater” means an establishment whether operated for profit or not, providing live performance recreations of events of historic significance to and having actually occurred within the locality or immediately adjacent localities.

Outdoor luminaire. “Outdoor luminaire” means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Outdoor performance area. “Outdoor performance area” is a place of open-air (outdoor) assembly, consisting of a central space or stage for performances, which may be open to the sky or partially covered or enclosed.

Overlay district. “Overlay district” means the zoning districts established in County Code § 18-30.

Owner. “Owner” means the owner or owners of the fee simple interest of real property.

Parapet. “Parapet” means that part of a wall entirely above the roof.

Parking structure. “Parking structure” means a multi-storied structure located wholly or partly above grade and designed for the purpose of garaging vehicles. A parking structure may be incorporated into one or more structures containing commercial or residential uses.

Pennant. "Pennant" means a series of two or more sections of a piece of fabric or other flexible material that is generally triangular and tapering, suspended from a fixed structure, rope, wire, string or cable and designed to move in the wind and including, but not limited to, streamers and tinsel.

Permanent sawmill. "Permanent sawmill" means a sawmill permanently located for the purpose of processing timber without regard to point of origination.

Person. "Person" means any natural person, association, partnership, corporation or other legal entity.

Personal service shop. "Personal service shop" means shops and offices whose primary business relies on customers coming and going on a regular basis including, but not limited to, offices for some doctors, chiropractors and massage therapists, and barber/beauty shops, shoe repair shops, and dry cleaners.

Personal wireless service facility. "Personal wireless service facility" means a facility for the provision of personal wireless services, which may be composed of antennas, cables, wiring, supporting brackets and other structural equipment, grounding rods, transmission equipment, one or more ground equipment shelters, and a self-supporting monopole or tower.

Personal wireless services. "Personal wireless services" means commercial mobile services, unlicensed wireless services, common carrier wireless exchange access services, as those services are defined by federal law and, for the purposes of this chapter, unlicensed wireless broadband internet access services.

Pharmaceutical laboratory. "Pharmaceutical laboratory" means a building or part thereof devoted to the testing, analysis and/or compounding of drugs and chemicals for ethical medicine or surgery, not involving sale directly to the public.

Place of public entertainment. "Place of public entertainment" means a building or other place used primarily as a cinema, theater, amphitheater, concert hall, public hall, dance hall, restaurant or other place of entertainment open to the public, but not including a music festival authorized by a special use permit, regardless of whether the payment of money or other consideration is required for admission.

Political sign. "Political sign" means a sign that pertains to the candidacy of one or more persons for an elective office, or pertains to one or more issues to be voted upon, in an upcoming election.

Portable sign. "Portable sign" means a temporary sign that is not permanently affixed to the ground or to a permanent structure, or a sign that can be moved to another location including, but not limited to, a sign with attached wheels, or a sign consisting of A-shaped or T-shaped frames. See Figure I following County Code § 18-4.15.3.

Post-FIRM structures. "Post-FIRM structures" means a structure for which construction or substantial improvement lawfully occurred on or after December 16, 1980.

Poultry. "Poultry" means domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, and pigeons.

Pre-FIRM structures. "Pre-FIRM structures" means a structure for which construction or substantial improvement lawfully occurred before December 16, 1980.

Preservation area. "Preservation area" means an area identified on a plan submitted for approval which contains natural features such as non-tidal wetlands, floodplain, streams and stream buffers that are to be preserved in a natural state and not be developed with any manmade feature.

Preserved slopes. "Preserved slopes" means slopes of 25 percent or greater depicted as a preserved slope on the map entitled "Steep Slopes Overlay District," adopted by the Board of Supervisors on March 5, 2014.

Primary surface. "Primary surface" means, for the purposes of the airport impact overlay district, a surface longitudinally centered on a runway. The primary surface for Runway 3-21 extends 200 feet beyond each end and is 1,000 feet wide. The elevation of the primary surface is the same as the elevation of the nearest point on the runway centerline.

Private garage. "Private garage" means an accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

Private road. "Private road" means any road, street, or other way or means of vehicular access to a lot that is not maintained by the Virginia Department of Transportation, regardless of ownership, approved as a private road pursuant to County Code §§ 14-232 through 14-235 or any prior ordinance regulating the subdivision of land. Any road identified on a recorded plat as a restricted road, access road or other designation which was not approved by the county as a private road pursuant to Chapter 14 or any prior ordinance of the county regulating the subdivision of land is not a private road as defined herein.

Private school. "Private school" means an institution of instruction not established and maintained at public expense, including colleges and universities, and those institutions providing art, culinary, cultural, drama, music, technical or vocational education or training. The uses previously defined in this chapter as "schools of special instruction" and "technical and trade schools" are private schools.

Proffer. “Proffer” means a written condition offered by the owner of land who has applied for a zoning map amendment that imposes a regulation or requirement in addition to the regulations otherwise applicable to the land under this chapter.

Program authority. “Program authority” means the Department of Community Development, including any officer or employee of the department authorized by the County Engineer to act pursuant to County Code Chapter 17.

Projecting sign. “Projecting sign” means a sign, other than a wall sign, that is attached to a structure, but which is not mounted parallel to the structure’s wall surface, and includes, but is not limited to, an awning sign. See Figure I following County Code § 18-4.15.3.

Property line. “Property line” means an imaginary line along the ground surface which separates the real property owned by one person from another.

Public facility. “Public facility” means a structure or use which may be publicly or privately owned or operated and which is generally open to the public, and includes but is not limited to schools, libraries, parks, hospitals and uses of a similar character.

Public garage. “Public garage” means a building or portion thereof, other than a private garage, designed or used for servicing or repairing motor driven vehicles.

Public sewage system. “Public sewage system” means any sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, operated by, for, or under the authority of the Albemarle County Service Authority or the Rivanna Water and Sewer Authority, or both.

Public sign. “Public sign” means a sign that is erected and maintained by a town, city, county, state or federal government or an authority thereof, and any lawful road name and number sign regardless of whether it was publicly or privately erected or maintained.

Public uses. “Public uses” means public uses, buildings and structures including, but not limited to, schools, offices, parks, playgrounds and roads, owned, operated, or receiving a majority of the use’s operating budget from local, state or federal agencies and including temporary or mobile facilities for these purposes; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and similar facilities owned or operated by the Rivanna Water and Sewer Authority (reference County Code § 18-5.1.12).

Public utility. “Public utility” means any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewerage facilities, either directly or indirectly, to or for the public.

Public water supply. “Public water supply” means a water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, operated by, for, or under the authority of the Albemarle County Service Authority or the Rivanna Water and Sewer Authority, or both.

Rare gas illumination. “Rare gas illumination” means a sign using a rare gas such as neon, argon, helium, xenon or krypton in a glass tube for illumination.

Real estate sign. “Real estate sign” means a sign that is used to advertise the sale, lease, rental, development or other use of the property on which the sign is located.

Rear yard. “Rear yard” means an open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps), the rear line of the lot and extending the full width of the lot.

Receiving zone. “Receiving zone” means, for purposes of County Code § 18-4.18 *et seq.*, the zoning classification of the property receiving the noise, as shown on the official zoning maps. For property which is located within another jurisdiction, the Zoning Administrator shall determine the comparable zoning category, and be guided in making the determination by the actual use of the property. The receiving zones shall include property with the zoning classifications set forth below:

1. *Commercial receiving zone.* “Commercial receiving zone” means property zoned commercial (C-1), commercial office (CO), highway commercial (HC), planned development -- shopping centers (PDSC), planned development -- mixed commercial (PDMC), the commercial areas of a planned unit development (PUD), and any other commercial zoning district.
2. *Industrial receiving zone.* “Industrial receiving zone” means property zoned light industrial (LI), highway industrial (HI), planned development -- industrial park (PDIP), the industrial areas of a planned unit development (PUD), and any other industrial zoning district.
3. *Public space or institutional receiving zone.* “Public space or institutional receiving zone” means property determined by the zoning administrator to be a public facility or an institution.

4. *Rural areas and residential receiving zone.* "Rural areas and residential receiving zone" means property zoned rural areas (RA), village residential (VR), residential (R-1, R-2, R-4, R-6, R-10, and R-15), planned residential development (PRD), the residential area of a planned unit development (PUD), the portions of the University of Virginia located within Albemarle County, and any other rural or residential zoning district.

Recommendations. "Recommendations" means, as used in County Code § 32, suggestions for design change as may be deemed in the public interest by Site Review Committee members in the area of their respective expertise or by the Architectural Review Board.

Recreational vehicle. "Recreational vehicle" means a vehicular type camping unit, not exceeding 400 square feet in area, certified by the manufacturer as complying with ANSI A119.2 or A119.5, and designed primarily as temporary living quarters for recreation that has either its own motive power or is mounted on or towed by another vehicle. Camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers, and truck campers are types of recreational vehicles. For floodplain management purposes, the term "recreational vehicle" means a vehicle which is: (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty vehicle; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. The use previously defined in this chapter as a "travel trailer" is a recreational vehicle.

Recycling collection station. "Recycling collection station" means a facility providing designated containers for the collection, sorting, and temporary storage of recoverable resources such as paper, glass, metal, and plastic products until they are transported to a recycling process center or to another location.

Recycling processing center. "Recycling processing center" means a facility to recycle, process, or treat recoverable resources such as paper, glass, metal, and plastic products in order to return them to a condition in which they can be reused for production.

Reference tree. "Reference tree" means a tree designated for determining the top height of a treetop facility's monopole mounting structure. This may either be the tallest tree within 25 feet of the proposed monopole or a shorter tree that provides screening and camouflaging of the monopole from neighboring properties.

Regulatory floodway. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Religious assembly use. "Religious assembly use" means a building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

Rendering plant. "Rendering plant" means a facility which processes animal by-product materials for the production of tallow, grease, biodiesel, high-protein meat and bone meal, and other products.

Repetitive loss structure. "Repetitive loss structure" means a building covered by a contract for flood insurance that has incurred flood-related damage on two occasions during a ten year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.

Replacement. "Replacement" means as used in County Code § 18-5.1.40 and any definitions pertaining to personal wireless service facilities, the replacement of transmission equipment of the same or lesser size in the same location as the equipment being replaced on an eligible support structure.

Requirements. "Requirements" means, as used in County Code § 32, the regulatory provisions of this chapter, including all applicable proffers, special use permits and conditions thereof, special exceptions and conditions thereof, variances and conditions thereof, application plans, codes of development and other applicable laws, and the rules, regulations and design guidelines identified by the architectural review board as being required to be satisfied in order to obtain a certificate of appropriateness.

Research and development. "Research and development" mean a facility primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing, and/or training aimed at the discovery and interpretation of facts, theories, and/or the practical application of the above to products or processes.

Residential sign. "Residential sign" means a sign erected on a lot containing a private dwelling whose copy is exclusively noncommercial speech.

Restaurant. "Restaurant" means an establishment wherein, for compensation, meals or beverages are served for consumption on or off the premises. The term "restaurant" includes, but is not limited to, those establishments commonly known as restaurants, fast food restaurants, coffee shops, cafeterias, cafes, lunchrooms, luncheonettes, hotel dining rooms, dinner theaters, taverns, and soda fountains. The term "restaurant" does not include a snack bar or refreshment stand at a public or nonprofit recreation facility, operated solely by the operator of the facility for the convenience of its patrons. Dancing by patrons shall be considered as entertainment accessory to a restaurant, provided the space available for such dancing

shall not be more than 1/8 of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the permit requirements of County Code Chapter 12.

Retail Sales Area. "Retail sales area" means that portion of the net floor area of a commercial use devoted to the display and/or sale of merchandise to the public. Storage of inventory, offices, and other such areas not devoted to the sale and/or display of merchandise shall not be considered as retail sales area.

Retail Stores. "Retail stores" means buildings for display and sale of merchandise at retail such as the following: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store.

Ridge area. "Ridge area" means all land within 100 vertical feet of, and including, the ridgeline and peaks of a mountain or chain of mountains, as identified on a ridge area map approved by the board of supervisors.

Ridgeline. "Ridgeline" means the uppermost line created by connecting the peaks of a mountain or chain of mountains, and from which land declines in elevation on at least two sides, as identified on a ridge area map approved by the Board of Supervisors.

Roof sign. "Roof sign" means a sign erected on a structure that extends, in whole or in part, above the top of the wall of the structure; except that a sign located on a fake mansard is not a roof sign, but is a wall sign.

Runway protection zone. "Runway protection zone" means an area at ground level underlying a portion of the FAR Part 77 imaginary runway approach surface and extending to a point on the ground where the elevation of the approach surface reaches 50 feet above the runway end elevation. The runway protection zone is trapezoidal in shape and centered about the extended runway centerline, with dimensions for a particular runway end defined by the type of aircraft and approach visibility minimum associated with that runway end. The runway protection zone typically begins 200 feet beyond the end of the runway area usable for takeoff and landing and extends from the ends of the primary surface. At the Charlottesville-Albemarle Airport, the dimensions of the runway protection zone for Runway 3 are 1,000 feet (inner width), 1,750 feet (outer width) and 2,500 feet (length); the dimensions of the runway protection zone for Runway 21 are 1,000 feet (inner width), 1,510 feet (outer width) and 1,700 feet (length).

Rural Preservation Development. "Rural preservation development" means a subdivision of land consisting of development lots together with a rural preservation tract.

Rural Preservation Tract. "Rural preservation tract" means a lot, the usage and diminishment of which is restricted and protected by legal arrangements to insure its maintenance and preservation for the purpose of preservation of agricultural and forestal land and activity; water supply protection; and/or conservation of natural, scenic or historic resources.

Safety area. "Safety area" means the airport primary surface and the runway protection zone at each end of the runway as shown on the Airport Lay-Out Plan.

Sanitary Landfill. "Sanitary landfill" means a place for the disposal of solid wastes approved in accordance with the regulations of the State Board of Health.

Sandwich board sign. "Sandwich board sign" means an A-frame sign with two faces that is periodically placed directly in front of the place of business that it advertises, with dimensions of no more than four feet in height, two feet in width, and eight square feet of area per sign face.

Seasonal agriculture work. "Seasonal agriculture work" means work by a person employed to work on a farm to perform either field work related to planting, cultivating, work related to keeping livestock and/or poultry, or harvesting operations, or work related to canning, packing, ginning, seed conditioning or related agriculture operations, and the work pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. A person who moves from one seasonal activity to another while employed by the farm to perform agriculture work is engaged in seasonal agriculture work even though he or she may continue to be employed by the farm throughout the year.

Self-service storage facility. "Self-service storage facility" means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property, not intended for use by heavy commercial users and not involving frequent heavy trucking. The use previously identified in this chapter as "light warehousing" is a self-service storage facility.

Service station. "Service station" means an establishment where gasoline or diesel fuel is stored, housed and sold for supply to motor vehicles, and may include accessory motor vehicle servicing within the principal building. The use identified in this chapter as "automobile service station" is a service station.

Setback. "Setback" means the distance by which any building or structure is separated from any street, road access easement, or lot line.

Shallow flooding area. "Shallow flooding area" means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is

unpredictable and indeterminate, and where velocity flow may be evident, and where the flooding may be characterized by ponding or sheet flow.

Shared driveway. “Shared driveway” means a form of vehicular access to only two lots which have frontage on a public street or an approved private road and which are authorized pursuant to County Code § 14-241.

Shielded or screened from view. “Shielded or screened from view” means, as used in County Code § 18-4.12.3, the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the parcel on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) an opaque masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing.

Shopping center. “Shopping center” means, for purposes of County Code § 18-4.12, one or more buildings containing a minimum of 10,000 square feet of gross leasable area and eight or more retail stores, personal service shops or restaurants under the same management or association for the purpose of providing property management, parking, site coverage, advertising, promotion and other similar benefits. In addition, the building or buildings shall have one or more of the following characteristics: (1) the stores, personal service shops or restaurants are connected by party walls, partitions, canopies or similar features; or, (2) some or all of the stores, personal service shops or restaurants are located in separate buildings that are designed as a single commercial group sharing common parking areas and vehicular travelways and are connected by walkways and accessways designed to encourage customer interchange between the buildings and otherwise present the appearance of a continuous commercial area without regard to ownership. Any site within a group of uses or separate parcel involving the sale of gasoline shall be excluded from this definition of shopping center.

Side Yard. “Side yard” means an open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Sign. “Sign” means any object, device or structure, or any part thereof including the sign face and the sign structure, visible from beyond the boundaries of the lot on which it is located, and which has copy containing commercial speech, noncommercial speech, or governmental speech. A “sign” does not include: (i) a flag representing the official symbol of a national, state, or local government; (ii) works of art in which creative skill or imagination is expressed in a visual form, such as a painting or a sculpture, intended to beautify or provide an aesthetic influence, and which contains no copy containing commercial speech; and (iii) architectural elements incorporated into the style or function of a structure.

Sign area. “Sign area” means the area of a sign face within the smallest square, circle, rectangle, triangle, or combination thereof, that encompasses the extreme limits of the copy, together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed. See Figure II following County Code § 18-4.15.12.

Sign face. “Sign face” means the area or display surface used to advertise, identify, display, or direct or attract attention. See Figure II following County Code § 18-4.15.12.

Sign structure. “Sign structure” means the supports, uprights, bracings and framework of any structure, be it single-faced, double-faced, V-type or otherwise, used to exhibit a sign. See Figure I following County Code § 18-4.15.3.

Site: The term “site” means one or more lots, or any part thereof, including one or more lots shown on a subdivision plat, site plan, or application plan. References in this chapter to “premises,” “land,” “lands,” “lots” or “parcels” are to a site.

Single Family Dwelling. “Single family dwelling” means a building containing one dwelling unit. For the purposes of this chapter, construction and occupancy of an approved accessory apartment within a single family dwelling does not change the single family dwelling designation of a building.

Site. “Site” means one or more lots, or any part thereof, including one or more lots shown on a subdivision plat, site plan, or application plan. References in this chapter to “premises,” “land,” “lands,” “lots” or “parcels” are to a site.

Site plan. “Site plan” means a plan satisfying the requirements of County Code § 18-32 that delineates the overall scheme of development of one or more lots including, but not limited to, grading, engineering design, construction details and survey data for existing and proposed improvements. The document identified in this chapter as a site development plan is a site plan.

Skilled nursing facility. “Skilled nursing facility” means a facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, sanitariums, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

Skylight. “Skylight” means locating a personal wireless service facility in such a way that the sky is the backdrop of any portion of the facility. Skylight has the same meaning as “skylining,” as that term is used in the County’s “Personal Wireless Service Facility Policy.”

Slaughterhouse. “Slaughterhouse” means a facility for the slaughtering and processing of animals.

Small wind turbine. “Small wind turbine” means a wind energy conversion system used for the generation of power to support an authorized use on the property and all components of the system including, but not limited to, the tower, guy wires, wiring, rotors and turbine blades, generators and control systems.

Solar energy system. “Solar energy system” means an energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one-half acre or more of total land area.

Sound level meter. “Sound level meter” means an instrument used for making sound level measurements which meets the requirements of the American National Standards Institute Type II rating.

Source sound level. “Source sound level” means the equivalent sound level of the source being measured.

Special event. “Special event” means an event authorized by County Code § 18-10.2.2(50) that is typically conducted on a single day, but which may be conducted for up to three consecutive days, for which attendance is permitted only by invitation or reservation; *special events* include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties.

Special exception. “Special exception” means an exception to the general regulations in any particular district pertaining to the size, height, area, bulk or location of structures or the areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, that is not permitted in any particular district except by a special exception granted under this chapter.

Special flood hazard area. “Special flood hazard area” means the land in the floodplain subject to a one percent or greater chance of flooding in any given year and which may be designated as Zone A on the Flood Hazard Boundary Map and, after detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map, designated as Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, or AR/A.

Special lot. “Special lot” means a lot created to be used exclusively for public or private streets, railroad rights-of-way and railroad lines, public utilities, publicly owned or operated public facilities, publicly owned or operated parks, publicly or privately owned sites for personal wireless service facilities, central water supplies and central sewerage systems as those terms are defined in Chapter 16, stormwater management facilities, cemeteries existing on June 8, 2011, conservation areas, preservation areas, open space, and greenways.

Special use permit. “Special use permit” means a permit for a special use that is not permitted in a particular district except by a special use permit granted under this chapter.

Spring Water. “Spring water” means water derived at the surface from an underground formation which flows to the surface through natural cracks and fissures under natural pressure.

Stacking. “Stacking” means an area for temporary queuing of vehicles while awaiting entry for service.

Stand alone parking. “Stand alone parking” means a parking area, including a parking structure, located on a lot other than the lot on which the use served by the parking area is located, that is the primary use for that lot.

Start of construction. “Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days after the date the permit was issued; provided that: (i) “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation; (ii) “permanent construction” does not include land preparation, such as clearing, grading and filling, nor the installation of streets or walkways, or both; nor any excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor the installation on the site of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure; and further provided that, for a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep slopes. “Steep slopes” means critical slopes on lands outside of the steep slopes overlay district and are referred to as either managed or preserved slopes within the steep slopes overlay district.

Stepback. “Stepback” means a building setback of a specified distance that occurs at a prescribed number of stories or feet above the ground.

Storage yard. “Storage yard” means an area used for parking, storing and/or maintaining equipment, vehicles and materials used off-site in the trade, business or other commercial or industrial activity of the owner or occupant, and which may include storing and maintaining equipment, vehicles and materials within buildings or structures; but which use does not include parking, storing and/or maintaining heavy equipment and heavy vehicles, storing explosives, including blasting caps, storing nuclear products, by-products or wastes, or storing kerosene or other volatile materials except that which is reasonably necessary to maintain equipment and vehicles.

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.

Stormwater management facility. “Stormwater management facility” means the system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through, and from a site. Stormwater management facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

Story. “Story” means that portion of a building, having more than one-half of its height above grade, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

Street. “Street” means a public or private thoroughfare which affords vehicular access to abutting property. The term “road” as used in this chapter means a street.

Street Line. “Street line” means the dividing line between a street or road right-of-way and the contiguous property.

Structure. “Structure” means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, etc. For the purpose of the determination of setback, signs shall be excluded as a structure. For floodplain management purposes, the term “structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Student suites. “Student suites” means units with a common living, dining and kitchen area shared by individuals occupying leased or rented bedrooms having their own private bathrooms, and located in multi-unit residential buildings.

Subdivision sign. “Subdivision sign” means a type of freestanding sign erected at the entrance of a residential development that identifies the development.

Submit. “Submit” means to pay the applicable required fee and to have an application or other required document marked by the County as “received.”

Subordinate retail sales. “Subordinate retail sales” means the retail sale of products of a Laboratories/ Research and Development/ Experimental Testing, Manufacturing/Processing/Assembly/Fabrication/ Recycling, or a Storage/ Warehousing/Distribution/Transportation use that is located on the same site as the industrial use.

Substantial change. “Substantial change” means a modification to an eligible support structure that meets one or more of the following criteria:

1. *Increase in height.* For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, the modification increases the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.
2. *Increase in width.* For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
3. *Excessive equipment cabinets.* For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-

way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure.

4. *Expands tower site.* The modification entails any excavation or deployment outside the current site.
5. *Defeats concealment elements.* The modification would defeat the concealment elements of the eligible support structure.
6. *Does not comply with conditions of approval.* The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs one through four of this definition.

Substantial damage. “Substantial damage” means, for purposes of floodplain management, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial impact. “Substantial impact” mean an impact that may arise from an event or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that has a significant adverse effect on: (i) an abutting lot or the neighborhood, including an impact on any owner, occupant, or agricultural or silvicultural activity; or (ii) any rural road, natural resource, cultural resource, or historical resource. A substantial impact may result from a wide variety of factors including, but not limited to, the generation of traffic, noise, dust, artificial outdoor light, trash, stormwater runoff, and excessive soil compaction; the failure to provide adequate traffic controls and sanitation facilities; the cumulative effects of large numbers of events and activities occurring simultaneously, particularly when they are in close proximity to one another or require travel on the same rural roads; and events and activities that are incompatible with existing production agriculture.

Substantial improvement. “Substantial improvement” means, for the purpose of floodplain management, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement and includes structures which have incurred substantial damage regardless of the actual repair work performed; provided that the term does not include: (i) any project for improvement of a structure to correct existing violations of state or county health, sanitary, or safety code regulations which have been identified by the zoning administrator, the building official or any other code enforcement officer and which are the minimum necessary to assure safe living conditions; or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Subsurface drainfield. “Subsurface drainfield” means a system installed within the soil and designed to accommodate treated sewage from a treatment works.

Supporting commercial uses. “Supporting commercial uses” means a retail or office use within an industrial district that is subordinate to and which primarily serves Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/Assembly/Fabrication/Recycling, or Storage/Warehousing/Distribution/Transportation uses or their employees including, but not limited to, restaurants such as sandwich shops, beauty salons, banks, child day centers, copy centers, private parcel shipping and delivery services, courier services, printing services, cleaners, commercial truck repair, financial services, accounting services, human resources services, employment services, and temporary employment services.

Temporary construction headquarters. “Temporary construction headquarters” means a building or structure used for the on-site management or oversight of construction or development activity for the duration authorized in County Code § 18-5.1.18(a).

Temporary construction yard. “Temporary construction yard” means an area used for the on-site storage of construction or development materials, supplies, equipment, and tools, and the on-site stockpiling and recycling of useable construction materials and other items, for the duration authorized in County Code § 18-5.1.18(b).

Temporary family health care structure. “Temporary family health care structure” means a transportable residential structure providing an environment facilitating a caregiver’s provisions of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Virginia Code § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet in area; (iv) complies with the applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code, as amended; and (v) is not placed on a permanent foundation.

Temporary sawmill. “Temporary sawmill” means a portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

Temporary sign. “Temporary sign” means a sign that is displayed for only a limited period of time authorized in County Code § 18-4.15.6, that describes or identifies participants in a seasonal, brief or particular event or activity to be or being conducted upon a lot.

This chapter. “This chapter” means Chapter 18 of the Albemarle County Code, also known as the Albemarle County zoning ordinance, and all applicable proffers, special use permits and their conditions, certificates of appropriateness and their conditions, variances and their conditions, application plans, codes of development, site plans, zoning compliance clearances, waivers, modifications and variations and their conditions, and all other approvals and their conditions authorized by this chapter.

Tier I personal wireless service facility or Tier I facility. “Tier I personal wireless service facility” or “tier 1 facility” means a personal wireless service facility that: (i) is located entirely within an existing building but which may include a self-contained ground equipment shelter not exceeding 150 square feet that is not within the building or a whip antenna that satisfies the requirements of County Code § 18-5.1.40(c); (ii) consists of one or more antennas, other than a microwave dish, attached to an existing structure, together with associated personal wireless service equipment; (iii) is located within or camouflaged by an addition to an existing structure determined by the agent to be in character with the structure and the surrounding district; or (iv) is the replacement of a wooden monopole with a metal monopole that does not exceed the maximum dimensions permitted under County Code § 18-5.1.40(b)(9).

Tier II personal wireless service facility or Tier II facility. “Tier II personal wireless service facility” or “tier II facility” means a personal wireless service facility that is a treetop facility not located within an avoidance area.

Tier III personal wireless service facility or Tier III facility. “Tier III personal wireless service facility” or tier III facility” means a personal wireless service facility that is neither a Tier I nor a Tier II facility, including a facility that was not approved by the Commission or the Board of Supervisors as a Tier II facility.

Total sound level. “Total sound level” means the equivalent sound level of the source being measured and ambient sound before correction to determine the source sound level.

Tourist Lodging. “Tourist lodging” means a use composed of transient lodging provided within a single family dwelling having not more than five guest rooms, where the single family dwelling is actually used as such and the guest rooms are secondary to the single-family use, whether or not the guest rooms are used in conjunction with other portions of the dwelling.

Tower. “Tower” means, as referred to in the definition of “eligible support structure” and “existing tower or base station,” any structure built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated tower site.

Townhouse. “Townhouse” means one of a series of attached single-family dwelling units, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof.

Transient Lodging. “Transient lodging” means lodging in which guest rooms are occupied for less than 30 consecutive days.

Transmission line, gas or oil. “Gas or oil transmission line” means: (1) a pipeline that conveys gas or oil for the purpose of supplying gas or oil to a system including, but not limited to, the pipelines owned and operated by the City of Charlottesville extending from the Columbia Gas Transmission System at the Buck Mountain Gate Station to the City of Charlottesville’s Route 29 Substation; or (2) a pipeline that conveys gas or oil, any portion of which is within the rural areas (RA) zoning district or within a public right-of-way abutting such district, serving as a common source of supply directly from a system station or substation to: (i) two or more distribution lines within the County, the City of Charlottesville, or the Town of Scottsville; or (ii) one or more distribution lines located within a county abutting the County. For purposes of this definition, the term “distribution line” means a pipeline other than a transmission line serving as a common source of supply directly from a transmission line to a service line, or a pipeline that serves as a service line. For purposes of this definition, the term “service line” means a pipeline other than a transmission line that distributes gas or oil from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold, and which ends at the outlet of the customer meter or at the connection to a customer’s piping, whichever is further downstream, or at the connection to customer piping if there is no meter. Any nonconforming transmission lines existing on February 2, 2005 shall be deemed to be distribution lines for the purpose of repair, reconstruction or replacement but not for extension or enlargement.

Treatment works. “Treatment works” means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be: (i) an integral part of the treatment process; or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

Treetop facility. “Treetop facility” means a personal wireless service facility consisting of a self-supporting monopole having a single shaft of wood, metal or concrete no more than ten feet taller than the crown of the tallest tree within 25 feet of the monopole, measured above sea level (ASL), and includes associated antennas, mounting structures, an equipment cabinet and other essential personal wireless service equipment.

Triplex, Quadruplex. “Triplex” and “quadruplex” mean a multiple-family dwelling or series of attached single-family dwellings containing in either case three or four dwelling units, respectively.

Turnaround. “Turnaround” means an area for vehicles to reverse movement at the end of a street or travelway.

Two-Family Dwelling. “Two-family dwelling” means a structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

Use. “Use” means the purpose for which any land, water, or structure is devoted or occupied, or any activity performed on land, water or in a structure.

Use buffer. “Use buffer” means an unimproved 20 foot to 30 foot area that separates Rural Areas or residentially zoned properties from commercial or industrial uses, or both, and includes screening pursuant to County Code § 18-32.7.9.

Usual and customary use, event or activity. “Usual and customary use, event, or activity” means a use, event, or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that is both ordinary and commonly practiced or engaged in at farm wineries, farm breweries, farm distilleries, or agricultural operations, as applicable, within the Commonwealth, as determined by objective evidence.

Value-added products. “Value-added products” means raw agricultural products that have been altered to enhance their value through baking, bottling, canning, carving, churning, cleaning, drying, freezing, weaving, or other similar processes.

Variance. “Variance” means a reasonable deviation from those provisions regulating the size or area of a lot, or the size, area, bulk or location of a structure when the strict application of this chapter would result in unnecessary or unreasonable hardship to the land owner, and the need for the variance would not be shared generally by other lots, and provided that the variance is not contrary to the intended spirit and purpose of this chapter, and would result in substantial justice being done.

Visible. “Visible” means, for the purpose of sign regulations, that which is capable of being seen, whether or not legible, by a person of normal visual acuity.

Wall sign. “Wall sign” means a sign, other than a projecting sign, that is painted on, printed on, or attached to, a wall of a building and parallel to the wall, is located on a fake mansard, or is a canopy sign or a marquee sign. See Figure I following County Code § 18-4.15.3.

Warning sign. “Warning sign” means a sign that provides a warning or a notice to persons on, or entering upon, the premises on which the sign is located including, but not limited to, signs stating that solicitations, hunting, fishing or trespassing is prohibited, that a dog is present on the property, and that the property is protected by a security or alarm system.

Watercourse. “Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically, and includes specifically designated areas in which substantial flood damage may occur.

Water-dependent facility. “Water-dependent facility” means facilities that cannot exist outside of the flood hazard overlay district and must be located on the shoreline because of the intrinsic nature of its operation and which include, but are not limited to: (i) the intake and outfall structures of power plants, sewage treatment plants, water treatment plants, and storm sewers; (ii) public water-oriented recreation areas; and (iii) boat docks and ramps.

Water or sewer connection. “Water connection” or “sewer connection” means the provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

Water, sewer, energy, and communications distribution facilities. “Water, sewer, energy, and communications distribution facilities” means facilities that are: (i) electric, gas, oil and communication facilities, including their monopoles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility, but excluding their towers and excluding personal wireless service facilities; (ii) water distribution and sewer collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority; or (iii) central water supplies and central sewage systems in conformance with Chapter 16 and all other applicable laws, except as otherwise expressly provided.

Wholesale Business. “Wholesale business” means an establishment for the sale and distribution of goods and merchandise to a retailer for resale as opposed to sale directly to the public.

Width of Lot. “Width of lot” means the average horizontal distance between side lot lines.

Window sign. “Window sign” means a permanent or temporary sign affixed to the interior or exterior of a window or door, or within three (3) feet of the interior of the window or door; provided that the display of goods available for purchase on the premises is not a window sign.

Wooded Area, Forested Area. “Wooded area” or “forested area” means an area containing one of the minimum number of trees of specified size, or combinations thereof, from the following table:

Diameter of Tree at Breast Height	Per Half Acre	Per One- Acre
3.0" - 4.9"	60	30
5.0" - 6.9"	38	19
7.0" - 8.9"	22	11
9.0" - 10.9"	14	7
11.0" - 12.9"	10	5
13.0" - 14.9"	7	4
15.0"+	5	3

Yard. “Yard” means an open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Zero lot line. “Zero lot line” means the location of a detached dwelling unit or portion thereof on a lot in such a manner that one of the sides of the dwelling unit rests less than the distance to the side lot line otherwise required in the district and may rest directly on that side lot line.

Zero lot line development. “Zero lot line development” means a subdivision reviewed and approved by the county as a single-family detached residential or mixed use development that uses zero lot lines, and in which a minimum separation of ten feet between detached dwelling units is maintained.

Zone A. “Zone A” means, for floodplain management purposes a special flood hazard area that is subject to inundation by the one percent annual chance flood event (one hundred year flood) where detailed hydraulic analyses have not been performed and no base flood elevations or flood depths are shown.

Zone AE or A1-30. “Zone AE” or “Zone A1-30” mean, for floodplain management purposes, a special flood hazard area that is subject to inundation by the one percent annual chance flood event (one hundred year flood) determined by detailed methods where base flood elevations are shown. Zone AE is the designation replacing Zone A1-30 on new and revised Flood Insurance Rate Maps.

Zone AH. “Zone AH” means, for floodplain management purposes, a special flood hazard area that is subject to inundation by one percent annual chance (one hundred year flood) shallow flooding, usually areas of ponding, where average depths are one to three feet and base flood elevations derived from detailed hydraulic analyses are shown.

Zone AO. “Zone AO” means, for floodplain management purposes, a special flood hazard area that is subject to inundation by one percent annual chance (one hundred year flood) shallow flooding, usually sheet flow on sloping terrain, where average depths are one to three feet and average flood depths derived from detailed hydraulic analyses are shown.

Zoning Administrator. “Zoning Administrator” means the officer designated to administer and enforce this chapter, or their designee.

Zoning map amendment. “Zoning map amendment” means an amendment to the zoning map, which may include changing the boundaries of one or more districts or the district classification of one or more parcels; also sometimes referred to as a “rezoning.”

Zoning text amendment. “Zoning text amendment” means an amendment to the regulations of this chapter, which may include amending, changing or supplementing the regulations.

State law reference – Va. Code § 15.2-2286(A)(4).

Sec. 3.2 Rules of construction; general.

This chapter protects paramount public interests and shall be liberally construed to effectuate its several purposes. In addition to the rules of construction set forth in Albemarle County Code § 1-102, the following rules of construction apply to the construction of this chapter, unless the application would be contrary to the purposes of this chapter or the context clearly indicates otherwise:

- A. All references to any statute, regulation, guideline, handbook, manual, or standard are to that statute, regulation, guideline, manual, handbook, or standard as it exists on June 5, 2019, and includes any amendment thereafter or reissue in a subsequent edition.
- B. The word “current” means the point in time at which a matter is under consideration and shall not mean the date of adoption of the most recent amendment to this chapter.
- C. The word “days” means calendar days except where the regulation refers to “business days.”
- D. The word “maintain” or “maintenance” also includes repair, replace and reconstruct.

- E. The word “street,” when not preceded by either “public” or “private,” means either a public street or a private street.
- F. All references to the “director of community development,” the “director of planning,” the “building official,” the “county engineer,” and the “zoning administrator” include his or her designees.
- G. All references to the “owner” include, in the appropriate context, the applicant or the permittee.
- H. All distances and areas shall be measured in a horizontal plane unless otherwise expressly provided.
- I. All provisions requiring that improvements be designed or constructed to prescribed standards, or otherwise comply with delineated standards, refer to the minimum standard and nothing in this chapter shall prohibit an improvement from exceeding the standard.
- J. Any word or phrase used in this chapter that is not defined in County Code § 18-3.1 shall be defined as it is defined in Virginia Code § 15.2-2201. If the word or phrase also is not defined in Virginia Code § 15.2-2201, the meaning of the word or phrase shall be defined as it is in other chapters of this Code if the word or phrase is used in the same context, and if it is not defined therein, by resort to other sources determined to be appropriate.

State law reference – Va. Code § 15.2-2286(A)(4).

Sec. 3.3 Rules of construction; district regulations.

The district regulations set forth in County Code §§ 18-10 through 18-30.7 shall be applied as follows:

- A. *Inclusive.* The primary uses permitted in any zoning district are only those expressly delineated in the district regulations as permitted uses by right or by special use permit. The express identification in the district regulations of prohibited uses does not imply that any use not expressly prohibited is permitted.
- B. *Requirements or minimum or maximum.* The requirements of the district regulations in this chapter are the minimum or maximum requirements, as applicable.
- C. *Uniform application.* The requirements of the district regulations shall be applied uniformly for each class of use or structure throughout each district.
- D. *Uses and structures may be established only in compliance with applicable regulations.* Each primary or accessory use or structure may be established only in compliance with all applicable district regulations and with all other applicable regulations of this chapter. If the use requires a license, permit or other approval from the state or federal government, the use may not be occupied or begin operations without the required approval.
- E. *Conflicts.* Whenever provisions within this chapter conflict with any local, state or federal statute or regulation with respect to requirements or standards, the most severe or stringent requirement or standard shall prevail.
- F. *Proffers.* Any proffer heretofore accepted by the Board of Supervisors in accordance with Virginia Code § 15.2-2296 *et seq.*, is continued in effect and shall be construed to be a “local regulation” until amended or varied by the Board in accordance with law, regardless of the repeal of any previous zoning ordinance.

State law reference – Va. Code § 15.2-2282, 15.2-2286(A)(4).

...

Article II. Basic Regulations

Section 4. General Regulations

...

4.12.6 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR SCHEDULED USES

Except when alternative parking is approved as provided in section 4.12.8, the following schedule shall apply to determine the number of required off-street parking spaces to be provided in a particular situation. If a particular use is not scheduled, then section 4.12.7 shall apply.

...

Campground: One (1) space per campsite; for group campsites, adequate parking space shall be provided for buses as determined by the zoning administrator.

Church (Repealed 8-9-17)

Child day center: One (1) space per ten (10) children enrolled in the major class or shift plus one (1) space per employee. In addition, a pick-up and drop-off area shall be provided on the site.

...

Dental clinic: One (1) space per one hundred seventy-five (175) square feet of net floor area.

...

Multi-family units, including two-family dwellings, single family attached, and townhouses, but excluding student suites:

Number of Bedrooms/Unit	Parking Spaces/Unit
Any unit of 500 square feet or less	1.25
One (1) bedroom	1.50
Two (2) or more bedrooms	2.00

In addition, if parking is provided on individual lots, such as for duplexes and single family attached townhouses, rather than in lots or bays that are shared by all units in the development, then one guest space per four units shall be provided.

Student suites: One and one-quarter spaces per bedroom.

Multi-family dwellings for the elderly: One and one-quarter spaces per unit plus one space per employee on the largest shift; provided that for an assisted living facility, one space per unit plus one space per employee on the largest shift.

...

Schools: The number of proposed spaces shall be shown in a parking study submitted by the school division (public schools) or the school (private schools). The number of required spaces shall be determined by the zoning administrator. In making the determination, the zoning administrator shall consider the recommendations in the parking study, traffic generation figures either known to the industry or estimated by the Institute of Transportation Engineers, peak parking demands, and other relevant information.

...

4.15.9 MAXIMUM SIGN NUMBER, AREA, HEIGHT, AND MINIMUM SIGN SETBACK IN THE RA, MHD, VR, R-1, R-2, R-4, R-6, R-10, R-15, AND PRD ZONING DISTRICTS

The maximum number of signs permitted, sign area, and sign height, and the minimum sign setback are as follows for each sign within the Rural Areas (RA), Monticello Historic District (MHD), Village Residential (VR), Residential (R-1, R-2, R-4, R-6, R-10, and R-15) and Planned Residential Development (PRD) districts:

...

- b. In addition to the signs in the table, the following signs may be erected;
- Address signs.* Up to three address signs per lot or establishment composed of: (i) one address sign attached to each official United States Postal Service mailbox; (ii) one address sign attached or printed on a building for each address; and (iii) one additional address sign.
 - ...
 9. *Real estate signs.* One real estate sign per lot on which either the lot or any structure thereon, or any portion thereof, is for sale, lease, rent, or development, provided that the sign does not exceed 32 square feet in sign area.
 10. *Sandwich board signs.* One sandwich board sign per establishment—provided that if the sign is placed on a sidewalk or any other public pedestrian right-of-way, it shall be placed in a location that provides a contiguous and unobstructed pedestrian passageway at least three feet wide; the sign shall not be located in any required off-street parking space, driveway, access easement, alley or fire lane; the sign shall not be illuminated; and the sign shall be removed during non-business hours
 11. *Warning signs.* Warning signs as required by law or as determined to be necessary to protect public health or safety.

...

Section 5. Supplementary Regulations

...

5.1.06 CHILD DAY CENTERS

Each child day center shall be subject to the following:

- a. *State licensure.* Each child day center shall acquire and maintain the required licensure from the Virginia Department of Social Services. The owner or operator of the child day center shall provide a copy of the license to the zoning administrator. The owner or

operator's failure to provide a copy of the license to the zoning administrator shall be deemed to be willful noncompliance with the provisions of this chapter.

- b. *Inspections by fire official.* The Albemarle County fire official is authorized to conduct periodic inspections of the child day center. The owner or operator's failure to promptly admit the fire official onto the premises to conduct an inspection in a manner authorized by law shall be deemed to be willful noncompliance with the provisions of this chapter.
- c. *Relationship to other laws.* The provisions of this section are supplementary to all other laws and nothing herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.

...

5.1.29 MONASTERY

- a. These regulations shall apply to monasteries, convents, and other religious communities as defined in this chapter. The ownership of the monastery shall conform in all respects to the provisions of Chapter 2 of Title 57 of the Code of Virginia, as the same may be amended from time to time, or any successor statute;
- b. This provision is intended to accommodate the long term residency of nuns, monks or friars in a communal setting as opposed to transient occupancy as may be experienced in other religious retreats; provided that nothing contained herein shall be deemed to preclude temporary lodging of guests as an accessory use to the convent or monastery.

...

5.1.42 HISTORICAL CENTERS

Each historical center shall be subject to the following:

...

- g. *Accessory uses.* Not more than ten percent of the total floor area of a historical center structure may be devoted to uses other than the educational and interpretive activities provided in subsection (f). A floor plan shall be submitted with the special use permit application to ensure that this requirement is met. Accessory uses may include, but are not limited to, offices, shops, and facilities such as gift shops, book stores, and accessory food sales such as luncheonettes, snack bars, or refreshment stands.

...

5.2 HOME OCCUPATIONS IN ZONING DISTRICTS OTHER THAN THE RURAL AREAS ZONING DISTRICT

Each home occupation authorized in a zoning district other than the rural areas zoning district shall be subject to the following:

...

- h. *Prohibited home occupations.* The following uses are prohibited as home occupations: (1) tourist lodging; (2) assisted living or skilled nursing facilities; (3) child day centers; and (4) private schools.

5.2A HOME OCCUPATIONS IN THE RURAL AREAS ZONING DISTRICT

Each home occupation authorized in the rural areas zoning district shall be subject to the following:

...

- i. *Prohibited home occupations.* The following uses are prohibited as home occupations: (1) any use requiring a special use permit under section 10.2.2; (2) animal rescue centers; (3) junkyards; (4) restaurants; (5) storage yards; (6) gun sales, unless the guns are made on-site by one or more family members residing within the dwelling unit; (7) on-site pet grooming; (8) body shops; (9) equipment, trailers, vehicles or machinery rentals; (10) shooting ranges; (11) commercial stables; (12) rummage or garage sales other than those determined by the zoning administrator to be occasional; (13) veterinary clinics or hospitals; (14) pyrotechnic (fireworks or bomb) device manufacturing or sales; and (15) any other use not expressly listed that is determined by the zoning administrator to be contrary to the purpose and intent of section 5.2A.

...

Article III. District Regulations

Section 9. Guidelines For Comprehensive Plan Service Areas

...

9.2 WHERE PERMITTED

Service areas may be established through usage of one or more conventional and/or planned development zoning districts in accord with guidelines of section 9.0 and the comprehensive plan

at appropriate locations within areas designated as the urban area, communities and villages in the comprehensive plan consistent with the following criteria:

NON-RESIDENTIAL LAND USE GUIDELINES

CRITERIA	VILLAGE AND NEIGHBORHOOD SERVICE AREAS	COMMUNITY SERVICE AREAS	REGIONAL SERVICE AREAS	INDUSTRIAL SERVICE AREAS	OFFICE SERVICE AREAS	OFFICE/ REGIONAL SERVICE AREAS
Acreage	1-5	5-30	+30	+5	+20	+200
Gross Floor Area in square feet	40,000 maximum, no single use to exceed 4,000. No outdoor display or storage.	250,000 maximum, no single use to exceed 65,000. Outdoor display/storage to be screened.	+250,000 minimum. Control outdoor display/storage to be screened.	Not limited.	150,000 minimum, combined area.	Regional Service uses not to exceed 15% of gross floor area for primary Office Service uses.
Access	Collector road convenient to development	Major collector	Major collector or arterial with interior circulation	Major collector or arterial with interior circulation	Major collector or arterial with interior circulation	Major collector or arterial with interior circulation
Purpose/intent	Convenience services, purchase of non-durable goods and services	Durable goods, general retail and services	Comparison shopping and specialized goods and services	General industry	Employment centers with limited production activities and marketing of products	Mixed employment/retail/commercial centers
Typical primary uses	-Convenience shopping -Child care -General market -Banks and finance -Restaurant -Drug store -Service station -Offices -Other general retail and services -Medical offices	-Supermarket -Service station & auto repair -Variety/discount store -General retail -Department store -Self-storage -Building supply -Furniture and appliance -Nursery & greenhouse -Theater -Recreational facility -Neighborhood Service uses -Medical offices, clinics -Compatible Regional Services users	-Major department store -Auto dealer and mobile home sales -Motel/hotel -Hospital -Community Service uses -Offices	-Manufacturing -Warehousing -Distribution -Publishing -Laboratories	-Corporate/ major office parks -Research/ development -Information systems	-All Office Service and Regional Service primary uses
Secondary Residential Uses	Accessory apartment and attached housing	Attached units and medium density multi-family in planned development concept	High density multi-family in planned development concept	None	Attached units and/or multi-family in planned development concept	Attached units and/or multi-family in planned development concept
Other Secondary Uses		-Warehousing	-Warehousing	-Offices -Supporting commercial	-Supporting commercial -Motel/hotel/ conference	-All Office Service and Regional Service secondary uses

*Note: 15% limitation exclusive of motel/hotel/conference use

Section 10. Rural Areas District, RA

...

Sec. 10.2.1 By right.

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

1. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 10.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 10.3.
2. Side-by-side-two-family dwellings subject to the provisions of section 10.4; provided that density is maintained and provided 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. Other two-family dwellings shall be permitted provided density is maintained.

...

Sec. 10.2.2 By special use permit.

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.04).
...
7. Child day centers (reference 5.1.06).
8. (Repealed 3-5-86)
9. Manufactured home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. (Repealed 3-15-95)
12. Horse show grounds, permanent.
14. Sawmills, planing mills and woodyards (reference 5.1.15 and subject to performance standards in 4.14).
...
28. Divisions of land as provided in section 10.5.2.1.
29. Boat livery.
30. Permitted residential uses as provided in section 10.5.2.1.
...

Section 11. Monticello Historic District, MHD

...

Sec. 11.3.1 By right.

The following uses shall be permitted by right in the MHD:

...

5. Cemeteries.
6. Detached single-family dwellings, including guest cottages and rental of the same.
7. Side-by-side two-family dwellings, provided that density is maintained and provided 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. Other two-family dwellings shall be permitted provided density is maintained.

Sec. 11.3.2 By special use permit.

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

1. (Repealed 4-7-11)
2. Private helistop (reference Section 5.1.01).
...
6. Home occupations Class B.
7. Boat livery.
8. Farm winery uses, events, and activities authorized by section 5.1.25(c)(3), provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.
...

Section 12. Village Residential – VR

...

Sec. 12.2.1 By right.

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

1. Detached single-family dwellings.
2. Side-by-side two-family dwellings 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. Other two-family dwellings shall be permitted provided density is maintained.
...

Sec. 12.2.2 By special use permit.

The following uses shall be permitted by special use permit in the VR district, subject to the applicable requirements of this chapter:

...

6. 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 5.1.12).
7. Child care center (reference 5.1.06).
8. (Repealed 3-5-86)

...

Section 13. Residential - R-1

...

13.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-1 district, subject to the applicable requirements of this chapter:

...

6. 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 5.1.12).
7. Child care center (reference 5.1.06).
8. Manufactured home subdivisions (reference 5.5).

...

Section 14. Residential - R-2

...

14.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-2 district, subject to the applicable requirements of this chapter:

...

6. 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 5.1.12).
7. Child care center (reference 5.1.6).
8. Manufactured home subdivisions (reference 5.5).

...

Section 15. Residential - R-4

...

15.2.1 BY RIGHT

The following uses shall be permitted by right in the R-4 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Side-by-side two-family dwellings 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. Other two-family dwellings shall be permitted provided density is maintained.
3. Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, and townhouses, 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.

...

15.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-4 district, subject to the applicable requirements of this chapter:

...

6. 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 5.1.12).
7. Child care center (reference 5.1.6).
8. Manufactured home subdivisions (reference 5.5).

...

Section 16. Residential - R-6

...

16.2.1 BY RIGHT

The following uses shall be permitted by right in the R-6 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as two-family dwellings, triplexes, quadraplexes, and townhouses, 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.

...

16.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-6 district, subject to the applicable requirements of this chapter:

...

6. 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 5.1.12).
7. Child care center (reference 5.1.06).
8. Manufactured home subdivisions (reference 5.5).

...

Section 17. Residential - R-10

...

17.2.1 BY RIGHT

The following uses shall be permitted by right in the R-10 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Semi-detached and attached single-family dwellings such as two-family dwellings, triplexes, quadraplexes, and townhouses, 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.

...

17.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-10 district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.04).
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.02).
3. Fire and rescue squad stations (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.
6. 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 5.1.12).

7. Child care center (reference 5.1.06).
 8. Manufactured home subdivisions (reference 5.5).
 9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).
 10. Hospitals.
 11. Offices.
 12. Retail stores and shops on a single floor, compatible with the residential characteristics of the district, with a gross floor area not exceeding four thousand (4,000) square feet.
- ...

Section 18. Residential - R-15

18.2.1 BY RIGHT

The following uses shall be permitted by right in the R-15 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
 2. Semi-detached and attached single-family dwellings such as two-family dwellings, triplexes, quadraplexes, and townhouses, 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.
- ...

18.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the R-15 district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.4).
- ...
6. 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 5.1.12).
 7. Child care center (reference 5.1.6).
 8. Manufactured home subdivisions (reference 5.5).
 9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).
 10. Hospitals.
 11. Offices.
 12. Retail stores and shops on a single floor, compatible with the residential characteristics of the district, with a gross floor area not exceeding 4,000 square feet.
- ...

Section 19. Planned Residential Development – PRD

19.3.1 BY RIGHT

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

1. Detached single-family dwellings.
 2. Semi-detached and attached single-family dwellings such as two-family dwellings, triplexes, quadraplexes, and townhouses, 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.
- ...

19.3.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the PRD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use as shall be included in the original PRD rezoning petition: (Amended 5-5-10)

1. Child day center (reference 5.1.06).
...
8. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
9. Offices.
10. Tier III personal wireless service facilities (reference 5.1.40).
...

Section 20. Planned Unit Development – PUD

20.3.1 BY RIGHT

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

1. Detached single-family dwellings.
3. Semi-detached and attached single-family dwellings such as two-family dwellings, triplexes, quadraplexes, and townhouses, 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.
...

20.3.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the PUD district, subject to the applicable requirements of this chapter and provided that no separate application shall be required for any such use included in the original PUD rezoning petition:

1. Child day center (reference 5.1.06).
...

Section 20a. Neighborhood Model – NMD

20A.8 MIXTURE OF USES

There shall be a mixture of uses within each NMD as follows:

- a. Each district shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) two-family dwellings; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and skilled nursing facilities.
...

Section 20B. Downtown Crozet District - DCD

20B.2 PERMITTED USES

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

- 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).
...

Section 21. Commercial Districts - Generally

...

21.7 MINIMUM YARD REQUIREMENTS

The minimum yard requirements in the commercial districts are as follows:

- a. *Adjacent to streets.* The minimum and maximum front yards shall be as provided in section 4.20.
- b. *Adjacent to residential, rural areas, or the Monticello Historic districts.* If the abutting lot is zoned residential, rural areas, or the Monticello Historic district, the minimum and maximum side and rear yards shall be as provided in section 4.20.
- c. *Use buffer adjacent to residential and rural areas districts.* For the purpose of this subsection, a use buffer shall not be required when a commercial zone is across a street from a residential or rural area district. 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 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the use buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

...

Section 22. Commercial - C-1

...

22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, 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 34.

...

- b. The following services and public establishments:
 - 1. Offices.
 - 2. Barber, beauty shops.
 - 3. Religious assembly use, cemeteries.
 - 4. Clubs, lodges (reference 5.1.02).
 - 5. Financial institutions.
 - 6. Fire and rescue squad stations (reference 5.1.09).
 - 7. Funeral homes.
 - 8. Health spas.
 - 9. Indoor theaters.
 - 10. Laundries, dry cleaners.
 - 11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
 - 12. Libraries, museums.
 - 13. Child day centers (reference 5.1.06).
- c. If the use is served by either public water or an approved central water supply:
 - 1. Automobile service stations (reference 5.1.20).
 - 2. Convenience stores.
 - 3. Restaurants.

...

22.2.2 BY SPECIAL USE PERMIT

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

...

- 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.

...

Section 23. Commercial Office - CO

...

23.1 INTENT, WHERE PERMITTED

CO districts are hereby created and may hereafter be established by amendment to the zoning map to permit development of administrative, offices and supporting accessory uses and facilities. This district is intended as a transition between residential districts and other more intensive commercial and industrial districts.

23.2 PERMITTED USES

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.
- ...
- 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).
- 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.

...

23.2.2 BY SPECIAL USE PERMIT

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

...

- 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).

Section 24. Highway Commercial - HC

...

24.2.1 BY RIGHT

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, 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 34.

1. Car washes.
- ...
20. Hotels, motels and inns.
21. Self-service storage facilities.
22. Machinery and equipment sales, service and rental.
23. Manufactured home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Offices.
29. Office and business machines sales and service.
30. (Repealed 2-6-19).
31. Retail nurseries and greenhouses.
- ...
51. If the use is served by either public water or an approved central water supply:
- a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Restaurants.

24.2.2 BY SPECIAL USE PERMIT

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

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.

Section 26. Industrial Districts - Generally

26.5 MINIMUM YARDS

The minimum yard requirements in the industrial districts are as follows:

- a. *Adjacent to streets.* The minimum and maximum front yards shall be as provided in section 4.20.
- b. *Adjacent to district other than commercial or industrial district.* If the abutting lot is zoned residential, rural areas, or the Monticello Historic district, the minimum and maximum side and rear yards shall be as provided in section 4.20.
- c. *Use buffer adjacent to district other than commercial or industrial district.* For the purpose of this subsection, a use buffer shall not be required when a commercial or industrial district zone is across

a street from a residential or rural area district. No construction activity, including grading or clearing vegetation (collectively, “disturbance”), shall occur within thirty (30) feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer shall submit an illustration showing the existing screening without disturbance and the screening that would be installed after the disturbance, and disturbance shall be allowed only if the screening installed after the disturbance is equal to or exceeds the screening existing prior to disturbance.

- d. *Special exception to disturb use buffer abutting district other than a commercial or industrial district.* The board of supervisors may authorize a disturbance in the use buffer required to be maintained under subsection (c) by special exception. The board shall consider whether disturbance is necessary or would result in an improved site design, provided that: (i) minimum screening requirements are met; and (ii) existing landscaping in excess of minimum requirements is substantially restored.

...

Section 30. Overlay Districts

...

30.3.11 PERMITTED AND PROHIBITED USES AND STRUCTURES

The uses and structures permitted by right and by special use permit, and the uses and structures expressly prohibited, in the flood hazard overlay district are as follows:

...

Flood and Water Related Uses and Structures*		
Flood warning aids and devices, water monitoring devices, and similar uses	BR	BR
Flood control, stormwater conveyance, or environmental restoration projects which: (i) are designed or directed by the county, a soil and water conservation district, or a public agency authorized to carry out flood control or environmental restoration measures; or (ii) are reviewed and approved by the department of community development in accordance with the Water Protection Ordinance and with no changes to the base floodplain elevation or horizontal limits to the flood plain	BR	BR
Dams, levees and other structures for flood control or for the public drinking water supply	SP	SP
Engineered structures, including, but not limited to, retaining walls and revetments made of non-natural materials such as concrete which are constructed along channels or watercourses for the purpose of water conveyance or flood control	SP	SP
Water related uses such as boat docks and boat liveries	SP	SP
Hydroelectric power generation (reference 5.1.26)	SP	SP

...

Article IV. Procedure

Section 32. Site Plan

...

32.7.9.8 TREE CANOPY

The tree canopy required to be established and maintained is subject to the following:

...

- c. *Calculating the area of the site.* For the purposes of calculating the area of the site to determine the minimum tree canopy coverage under subsection (a), the area of the site shall be its gross acreage less, at the option of the developer, one or more of the following on the site:
1. Farm land or other areas devoid of wooded areas on June 20, 1990.
 2. Recreation areas required under section 4.16.
 3. Open space areas required under section 4.7.
 4. Land dedicated to public use.
 5. Playing fields and recreation areas provided at schools, child day centers, and other similar uses.

...

Section 35. Fees

...

35.1 Fees.

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

...

b. Special use permits:

1. Additional lots under section 10.5.2.1, public utilities, child day center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1,075.00
2. Additional lots under section 10.5.2.1, public utilities, child day center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$538.00

Agenda Item No. 19. **Public Hearing: Ordinance to Amend County Code Appendix A.1 (Acquisition of Conservation Easements (ACE) Program)**. To receive public comment on its intent to adopt an ordinance to amend Appendix A.1 (Acquisition of Conservation Easements Program) of the Albemarle County Code by amending § A.1-108 (ACE ranking criteria) pertaining to points awarded based on the size of the parcel.
(Advertised in the Daily Progress on May 20 and May 27, 2019.)

The Executive Summary forwarded to the Board states that the Acquisition of Conservation Easements (ACE) Committee is charged with reviewing the program's ordinance and recommending any changes needed either to maintain the program's consistency with the County's Comprehensive Plan and policies or to improve the administration, implementation, and effectiveness of the program. The ACE Ordinance was most recently amended in 2018.

The ACE Committee's recent review of the ACE Ordinance focused on its ranking criteria as it pertains to the scoring of property acreage. The Committee prefers to incentivize larger parcel applications to the program, those being 100 acres or more. Currently, the ranking criteria under County Code § A.1-108(A) (2) awards zero points to parcels less than 50 acres, one point for parcels larger than 50 acres, one point for each additional 50-acre unit, and one additional point for each 50-acre unit above 200 acres. The Committee proposes amending the criteria to award no points for parcels less than 100 acres and two points for parcels of at least 100 acres. The scoring for incrementally larger parcels would remain the same. This amendment may result in smaller parcels being less likely to reach the 20 point eligibility threshold or being ranked lower relative to other eligible applicants.

No budget impact is expected. No additional work for staff is anticipated.

Staff recommends that the Board adopt the attached proposed Ordinance (Attachment A).

Mr. Greg Kamptner, County Attorney, explained that they would hold a series of public hearings on four ordinances, and he would present all four of these today. He said the ACE Committee has recommended these amendments to incentivize applications with larger parcels. He said this proposal would increase the minimum parcel size at which points would be awarded when all the applications are being considered. He explained that staff reviews applications according to a point ranking criteria; the current regulations begin to award points once a parcel was 50 acres or larger, and the proposed change would increase this to 100 acres or larger. He explained that this amendment would not affect any parcel's eligibility to come into the ACE program; it only affects the points awarded under the ranking criteria. He presented a slide that demonstrates how the points would be awarded as the parcels are increased in size.

Ms. Palmer asked why this was not done the previous year when the Board did the rest of it. Ms. Mallek remarked that it was "bite off one item at a time." She explained that the way the points are awarded results in smaller parcels competing rather evenly with larger ones, which put into question the value being given. She said the Committee did not do this all at once due to the complexity and wanting to get the buffers squared away and in process so people would know what the new rules are before this year's applications were accepted. She explained that it was not possible to do both and get it ready in time. She explained that for the first time in 18 years, they required streams to be fenced from livestock and buffers be maintained.

Ms. Palmer remarked that there must have been some debate about this. Ms. Mallek responded that there was a lot of debate, which was why it has taken another six months to get this before the Board.

Ms. Palmer stated that they have to prioritize larger properties and noted that the Board materials state this may result in some properties not even coming up to the 20-point minimum. She expressed concern over smaller pieces of conservation easement properties they are trying to connect to each other and asked if this was discussed. Ms. Mallek confirmed that this was discussed and noted that contiguous properties would have points of their own, which would help smaller ones to meet the criteria. She said the points criterion was important because it made it a more clinical analysis, was a better basis on which to decide, and this diligence was incredibly important when considering taxpayer money. She said some

smaller properties over the years have been fantastically expensive, though fortunately most of them dropped out for other reasons, such as the County's estimates for their property value not being high enough to suit the landowners.

Ms. Palmer asked if the ACE Committee's recommendation was unanimous. Ms. Mallek recalled that the ACE Committee arrived at a consensus after a long time.

Mr. Gallaway opened the public hearing.

As no one came forward to speak, Mr. Gallaway closed the public hearing.

Ms. Mallek **moved** that the Board adopt the proposed ordinance. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

ORDINANCE NO. 19-A.1(1)

AN ORDINANCE TO AMEND APPENDIX A.1, ACQUISITION OF CONSERVATION EASEMENTS PROGRAM, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Appendix A.1, Acquisition of Conservation Easements Program, is hereby amended and reordained as follows:

By Amending:

Sec. A.1-108 Ranking criteria.

Appendix A.1

Acquisition of Conservation Easements Program

.....

Sec. A.1-108. Ranking criteria.

In order to effectuate the purposes of the ACE program, parcels for which conservation easement applications have been received shall be ranked according to the criteria and the point values assigned as provided below. Points shall be prorated and rounded to the first decimal.

A. *Open-space resources.*

1. The parcel adjoins an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points, with one (1) additional point for every five hundred (500) feet of shared boundary; or the parcel is within one-quarter (1/4) mile of, but not adjoining, an existing permanent conservation easement, a national, state or local park, or other permanently protected open-space: two (2) points.

2. Size of the parcel: zero (0) points for parcels of less than one hundred (100) acres; two (2) points for parcels of at least one hundred (100) acres; one (1) additional point for each fifty (50) acres over one hundred (100) acres; one (1) additional point for each fifty (50) acres over two hundred (200) acres.

B. *Threat of conversion to developed use.*

1. The parcel is threatened with forced sale or other hardship: three (3) points.

2. The number of division rights to be eliminated on the parcel: one-half (1/2) point for each division right to be eliminated, which shall be determined by subtracting the number of retained division rights from the number of division rights.

C. *Natural, cultural and scenic resources.*

1. Mountain protection: one (1) point for each fifty (50) acres in the mountain overlay district, as delineated in the comprehensive plan; an additional one (1) point may be awarded for each twenty (20) acres within a ridge area boundary. For purposes of this section, the term "ridge area boundary" means the area that lies within one hundred (100) feet below designated ridgelines shown on county mountain overlay district elevation maps. The deed restriction set forth in section A.1-109(B)(1) shall apply if the parcel is eligible for points under this criterion.

2. Working family farm, including forestry: five (5) points if at least one family member's principal occupation and income (more than half) is farming or foresting the parcel; three (3) points if at least one family member has as a secondary occupation farming or foresting the parcel so that

it is eligible for or subject to land use taxation as land devoted to agriculture, horticulture or forest use under Albemarle County Code § 15-800 *et seq.*: one (1) additional point if the parcel is certified as a Virginia Century Farm by the Virginia Department of Agriculture and Consumer Services.

3. The parcel adjoins a road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points, with one (1) additional point for each six hundred (600) feet of road frontage if the parcel is subject to a deed restriction as provided herein; otherwise, one (1) point for each one thousand (1000) feet of road frontage; the parcel adjoins a public road: two (2) points, with one (1) additional point for each one thousand (1000) feet of road frontage; or, the parcel is substantially visible from, but is not contiguous to, a public road designated either as a Virginia scenic highway or byway, or as an entrance corridor under section 30.6.2 of Chapter 18 of the Albemarle County Code: two (2) points. The deed restriction set forth in section A.1-109(B)(2) shall apply if the parcel is eligible for points for adjoining a Virginia scenic highway or byway.

4. The parcel contains historic resources: three (3) points if it is within a national or state rural historic district or is subject to a permanent easement protecting a historic resource; two (2) points if the parcel is within the primary Monticello viewshed, as shown on viewshed maps prepared for Monticello and in the possession of the county; two (2) points if the parcel contains a site of archaeological or architectural significance as determined by a qualified archaeologist or architectural historian under the United States Department of Interior's professional qualification standards. The deed restriction set forth in section A.1-109(B)(5) shall apply if the parcel is eligible for points under this criterion.

5. The parcel contains an occurrence listed on the Virginia Natural Heritage Inventory or a qualified biologist submitted documentation of an occurrence of a natural heritage resource to the program administrator and the Virginia Division of Natural Heritage on behalf of the owner: five (5) points.

6. The parcel contains capability class I, II or III soils ("prime soils") for agricultural lands or ordination symbol 1 or 2 for forest land, based on federal natural resources conservation service classifications found in the United States Department of Agriculture Soil Survey of Albemarle County, Virginia: one (1) point for each fifty (50) acres containing such soils to a maximum of five (5) points.

7. The parcel is within the South Fork Rivanna Reservoir Watershed, the Chris Greene Lake Watershed, the Ragged Mountain Reservoir Watershed, or the Totier Creek Reservoir Watershed: three (3) points.

8. The parcel adjoins or contains perennial stream(s), as that term is defined in Chapter 17 of the Albemarle County Code: one (1) point for each one thousand (1000) feet of frontage.

9. The parcel adjoins or contains a waterway designated as a state scenic river: one-half (1/2) point for each one thousand (1000) feet of frontage. The deed restriction set forth in section A.1-109(B)(4) shall apply if the parcel is eligible for points under this criterion.

10. The parcel is within a sensitive groundwater recharging area identified in a county-sponsored groundwater study: one (1) point.

11. The parcel is within an agricultural and forestal district: two (2) points.

12. The parcel is subject to a professionally prepared Forestry Stewardship Management Plan approved by the Virginia Department of Forestry: one (1) point.

D. *County fund leveraging.* State, federal or private funding identified to leverage the purchase of the conservation easement: one (1) point for each ten (10) percent of the purchase price for which those funds can be applied.

Agenda Item No. 20. **Public Hearing: Ordinance to Amend Albemarle County Code Chapter 4, Animals, Article I, Administration.** To receive comments on its intent to adopt an ordinance to amend Albemarle County Code Chapter 4, Animals, Article I, Administration, Section 4-103, Definitions, to expand the definition of "Adequate shelter" to address the protection of animals during hot and cold weather, and to expand the definition of "Adequate space" to address tethering restrictions, consistent with Virginia Code § 3.2-6500, effective July 1, 2019. (*Advertised in the Daily Progress on May 20 and May 27, 2019.*)

The Executive Summary forwarded to the Board states that the 2019 General Assembly amended Virginia Code § 3.2-6500 to expand the definition of "Adequate shelter" to address the protection of animals during hot and cold weather, and to expand the definition of "Adequate space" to address tethering restrictions.

The County's Animal Ordinance includes definitions for "Adequate shelter" and "Adequate space." The attached proposed ordinance (Attachment A) would amend County Code § 4-103 to incorporate the amendments to Virginia Code § 3.2-6500.

Specifically, the ordinance would:

- Require that animals be provided shelter that is properly shaded and that does not readily conduct heat during hot weather;

- Require that animals be provided shelter that has a windbreak at its entrance and that has bedding that is sufficient to protect the animal from cold and protect the retention of body heat during cold weather;
- Require that tethered animals, other than agricultural animals, have tethers that are at least 10 feet in length, do not have any characteristic that cause injury or pain to the animal; do not weigh more than one-tenth of the animals' body weight; and do not have weights or heavy objects attached to it;
- and Clarifies that the walking of an animal on a leash by its owner does not constitute the tethering of the animal for purposes of the definition of "Adequate space."

Adoption of the attached ordinance is not expected to have a budget impact.

After the public hearing, staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

Mr. Kamptner stated that this was one of the ordinance amendments to incorporate changes to State law that would become effective July 1. He said this ordinance would revise the definitions of adequate shelter and space to match the definition in the new State law. He explained that it establishes criteria to determine what adequate shelter for animals during hot and cold weather was and provides additional criteria for animal care. He added that it amends the minimum standards for tethering of an animal, including the tether's weight, length, and comfort, under adequate space.

Mr. Kamptner stated that these changes affect the animal care regulations of County Code Chapter 4 and reminded the Board it adopted some additional regulations related to tethering under the animal cruelty enabling authority last November. He said the General Assembly has given localities additional authority to regulate acts of animal cruelty, and those regulations are not affected by these amendments as the County operates under a different State statute that gives it the authority to deal with it a little differently.

Ms. McKeel recalled an incident off Barrack's Road with a dog that was pulling a heavy weight chain attached to a log and asked if the change would apply to that situation. Mr. Kamptner responded, "yes"; it would be a violation of the animal care provision.

Ms. Mallek asked for confirmation that the weight of the entire chain could not be more than 10% of the weight of the dog.

Ms. Palmer remarked that she does not see anything written in the Executive Summary that indicates the changes are being made to comply with the State Code; it was assumed that Board members would know this, but she would prefer that in the future this be in writing. Mr. Kamptner offered to clarify this.

Mr. Gallaway opened the public hearing.

As no one came forward to speak, Mr. Gallaway closed the public hearing.

Ms. Palmer **moved** that the Board adopt the proposed ordinance. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Ms. Mallek said they recently had an issue in Crozet with dogs running at-large in the trails. She said there was a distinction made about being under voice control which is part of the Animal Control Ordinance as opposed to the parks rules which requires that all dogs in parks be on a leash. She asked for confirmation that this was part of policy and not what the Board just adopted. Mr. Kamptner responded that Chapter 11 covers the parks and part of it was in the ordinance, but they have found that there was also some policy working both ways, which they would deal with when Chapter 11 comes forward.

ORDINANCE NO. 19-4(1)

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, ARTICLE 1, ADMINISTRATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals, Article 1, Administration, is hereby amended and reordained as follows:

By Amending:

Sec. 4-103 Definitions.

Chapter 4. Animals

Article 1. Administration

.....

Sec. 4-103 Definitions.

.....

“Adequate shelter” means provision of and access to shelter that: (i) is suitable for the species, age, condition, size, and type of each animal; (ii) provides adequate space for each animal; (iii) is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; (iv) is properly lighted; (v) is properly cleaned; (vi) enables each animal to be clean and dry, except when detrimental to the species; (vi) during hot weather, is properly shaded and does not readily conduct heat; (vii) during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and (viii) for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals’ feet to pass through the openings; (ii) sag under the animals’ weight; or (iii) otherwise do not protect the animals’ feet or toes from injury are not adequate shelter.

“Adequate space” means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, “adequate space” means that the tether to which the animal is attached: (i) permits the above actions and is appropriate to the age and size of the animal; (ii) is attached to the animal by a properly applied collar, halter, or harness that is configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; (iii) is at least ten feet in length or three times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line; (iv) does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal; (v) does not weigh more than one-tenth of the animal’s body weight; and (vi) does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its owner shall not constitute the tethering of the animal for purposes of this definition. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

.....

This ordinance shall be effective on and after July 1, 2019.

Agenda Item No. 21. **Public Hearing: Ordinance to Amend Albemarle County Code Chapter 6, Fire Protection, Article III, Fireworks.** To receive comments on its intent to adopt an ordinance to amend Albemarle County Code Chapter 6, Fire Protection, Article III, Fireworks, Section 6-302, Article not applicable to certain fireworks, to redefine fireworks that are permissible under the Statewide Fire Prevention Code, consistent with Virginia Code § 27-95, effective July 1, 2019.
(Advertised in the Daily Progress on May 20 and May 27, 2019.)

The Executive Summary forwarded to the Board states that the 2019 General Assembly amended Virginia Code § 27-95 to redefine those fireworks that are permissible under the Statewide Fire Prevention Code.

The County’s Fire Protection Ordinance includes provisions regulating fireworks, and County Code § 6-302 lists the types of fireworks that are exempt from those regulations pursuant to the Statewide Fire Prevention Code. The attached proposed ordinance (Attachment A) would amend County Code § 6-302 to incorporate the amendments to Virginia Code § 27-95.

Specifically, the ordinance would apply maximum allowable parameters to the list of fireworks that are permitted.

Adoption of the attached ordinance is not expected to have a budget impact.

After the public hearing, staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

Mr. Kamptner stated that this amendment would incorporate a change to State law, descriptions of classes of fireworks. He said the ordinance would use more technical, objective, and easier to enforce language. He explained that these classes of fireworks are exempt from local regulation, and his understanding was that these are more minor fireworks, which do not require a permit and the Fire Marshal process.

Mr. Gallaway opened the public hearing.

As no one came forward to speak, Mr. Gallaway closed the public hearing.

Ms. Mallek **moved** that the Board adopt the proposed fireworks ordinance. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

ORDINANCE NO. 19-6(1)

AN ORDINANCE TO AMEND CHAPTER 6, FIRE PROTECTION, ARTICLE 3, FIREWORKS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 6, Fire Protection, Article 3, Fireworks, is hereby amended and reordained as follows:

By Amending:

Sec. 6-301 Article not applicable to certain fireworks.

Chapter 6. Fire Protection

Article 3. Fireworks

.....

Sec. 6-302 Article not applicable to certain fireworks.

The provisions of this article shall not apply to fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that: (i) do not explode or produce a report; (ii) do not travel horizontally or vertically under their own power; (iii) do not emit or function as a projectile; (iv) do not produce a continuous flame longer than 20 inches; (v) are not capable of being reloaded; and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds when used or exploded on private property with the consent of the owner of such property; nor shall the provisions of this article apply to the use of fireworks by any railroad company for signal purposes or illumination; nor shall the provisions of this article apply to the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

(Code 1967, § 10-5; Ord. No. 97-9(1), 1-8-97; Code 1988, § 9-11; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-974.

.....

This ordinance shall be effective on and after July 1, 2019.

Agenda Item No. 22. **Public Hearing: Ordinance to Amend County Code Chapter 2, Administration – Section 2-202, Compensation of Board of Supervisors.** To receive comments on its intent to adopt an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of Board of Supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2.3% effective July 1, 2019 from \$16,590.00 per annum to \$16,972.00 per annum. *(Advertised in the Daily Progress on May 20 and May 27, 2019.)*

Mr. Kamptner stated that this was an amendment to Chapter 2 of the County Code to increase the compensation of the Board of Supervisors to incorporate a 2.3% cost of living increase to match that of County employees for FY20.

Mr. Randolph reiterated his position of the last four years that the Board should not be in the position to give itself a salary increase, though he acknowledges there was a tremendous differential between the hours they are paid for and the hours they work. He recalled that the previous year, Mr. Williamson made a strong case for the Board to ensure there was representation across a larger span of ages, as it was difficult for those with families to serve on the Board. He urged Board members to think about ways to look at this, such as consideration of different salaries for Board members, and he suggested they use a committee system to make a recommendation on salaries.

Ms. Palmer recounted that a few years earlier, the Board considered a variety of things. She said she feels comfortable giving themselves this modest increase, as they all work ridiculously hard and long hours and make less than minimum wage. She added that she does not have a problem with a committee taking a look at this.

Ms. McKeel agreed with Mr. Randolph's point about the Board not attracting a variety of ages, though they have gender diversity, and she was struggling to figure out how to obtain diversity balance. She said she does not feel uncomfortable taking a small increase in salary and suggested that if a Board member has a strong objection, they could tell Human Resources that they do not want to accept their increase. She added that she would also like to include the School Board in this discussion if it goes forward.

Mr. Kamptner added that this was one process the General Assembly gave Boards to set their salaries. He said in addition, there is another procedure that allows for delayed effective dates, and offered to distribute information to the Board.

Ms. Palmer recalled that this came up in 2016 and it requires a supermajority to increase the salary more than the cost of living. She added that there are only certain years in which they could do this. Mr. Kamptner responded that was correct.

Ms. Mallek said she was comfortable with giving the Board the same increase as was given to staff.

Ms. McKeel expressed that it was wonderful that they have aligned with classified staff and recalled that there were years in which there was a lot of consternation as to what the Board would do.

Mr. Dill indicated he would support the increase but agrees that there should be a committee to look at making service on the Board more accessible, salaries, work environment and workload, and whether legislative assistants are needed.

Ms. McKeel asked Mr. Dill if he was suggesting they have a resource utilization study. Mr. Dill acknowledged that he was suggesting something like this, as they are a growing and progressive county and they all feel underpaid and overworked.

Ms. Palmer recalled that a few years earlier, a consultant was hired by the Office of the County Executive to conduct a study, which did not turn out to be useful. She asked Mr. Kamptner to provide the Board with information on the alternative method to increase their compensation.

Ms. McKeel wondered if the Board office was as efficient as it needs to be and if they have an appropriate number of staff, suggesting that someone take a look at this but acknowledging she was not sure who it would be.

Mr. Randolph clarified that he feels everyone was deserving of an increase, and his issue was the ethics of voting themselves an increase. He stated that it should be in the hands of somebody else who recommends it, with the Board having the chance to approve it or not.

Ms. Mallek commented that the ordinance is making the proposal, and the Board is voting on it.

Mr. Gallaway said it was always awkward to vote yourself a raise and recounted that when he served on the School Board, he voted in favor of board salary increases only when they matched those given to staff. He indicated that the election was when residents who oppose the Board giving itself an increase could hold them accountable.

Ms. Mallek pointed out that they have a compensation meeting in the fall to put a salary increase out there for budget planning purposes, which becomes a de facto line in the sand. She said that maybe they should be careful about putting out a smaller amount, and they could then go higher if they choose to.

Mr. Gallaway pointed out that they have used the WorldatWork projections in some years and not just random analysis.

Ms. McKeel commented that staff must have a starting point.

Mr. Gallaway opened the public hearing.

Mr. Neil Williamson, with the Free Enterprise Forum, addressed the Board. He stated that the amount of work put in by Supervisors do not match the compensation, which has occurred over time, as the number of boards and committees they serve on was significantly higher than in other localities. He noted that he does not question the work ethic of the Board members but does question the ability of the general public to compete for these seats with this compensation. He said that he agrees that the level of compensation discourages some from serving on the Board.

Mr. Gallaway closed the public hearing.

Ms. Palmer **moved** that the Board adopt the ordinance to increase the Board's salary by 2.3%. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: Mr. Randolph.

ORDINANCE NO. 19-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of the Board of Supervisors, as follows:

Chapter 2. Administration

Article 2. Board Of Supervisors

Sec. 2-202 Compensation of the Board of Supervisors.

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$16,972 per year, effective July 1, 2019.
- B. *Stipend for the chairman.* In addition to the salary, the chairman shall receive an annual stipend of \$1,800.
- C. *Stipend for the vice-chairman.* In addition to the salary, the vice-chairman shall receive a stipend \$35 for each Board meeting chaired.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18)

State law reference -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

This ordinance shall be effective on and after July 1, 2019.

Agenda Item No. 23. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Supervisors informed Mr. Gallaway that they held this portion of the meeting while he was away.

Ms. Palmer stated that she had attended Climate Mondays earlier this week where the discussion focused on solid waste. She said that several attendees expressed the need for multiple recycling drop off locations and pointed out that surrounding counties offered them. She said there were also comments about littering and suggestions for school involvement.

Ms. McKeel observed that in her travels around the state she has seen drop off locations in most localities as well as less litter than there was in Albemarle, but she does not know if there is a connection.

Mr. Gallaway observed that Board members received emails about a property in the Rio District and that a community meeting was held, though an application has not yet been made. He expressed that the matter would not come before the Board for some time and suggested that residents who wish to comment wait until that time.

Ms. Mallek commented that most of the time substantial changes are made to a proposal before it becomes an application, and it was helpful to have an updated version of what was actually being requested.

Agenda Item No, 24. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson informed the Board that staff was prepared to host tomorrow's work session with the City of Charlottesville from 2:00 p.m. to 4:00 p.m. He also recognized Ms. Emily Kilroy for her outstanding work with staff as well as in coordinating with Charlottesville for the session.

Mr. Gallaway noted that an itemized agenda was sent out as well as charts on an MOU matrix, which could be seen in Dropbox.

Non- Agenda: Closed Meeting

Mr. Dill **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia

- Under Subsection (1), to discuss and consider:
 - 1) the salaries of the Clerk to the Board, the County Executive, and the County Attorney for Fiscal Year 2020; and
 - 2) the annual performance review of the Clerk to the Board.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Certify Closed Meeting

At 3:17 p.m., Mr. Dill **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor’s knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Palmer.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Dill, Mr. Gallaway, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Agenda Item No. 25. Adjourn to June 6, 2019, 2:00 p.m., Room 241.

At 3:18 p.m., Mr. Gallaway adjourned the Board to June 6, 2019, 2:00 p.m., County Office Building, Room 241, for a joint meeting with City Council.

Chairman

Approved by Board
Date 01/15/2020
Initials CKB