

ACTIONS		
Board of Supervisors Meeting of November 2, 2022		
		November 3, 2022
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:08 p.m., by the Chair, Ms. Price. Also present were Jeff Richardson, Steve Rosenberg, and Claudette Borgersen. 		Link to Video
<ul style="list-style-type: none"> By a vote of 5:0 APPROVED request to allow Supervisor LaPisto-Kirtley to participate remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, given that she is unable to attend the meeting in person due to a medical reason. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda. 		
5. Brief Announcements by Board Members. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Mentioned that the broadband affordability benefit that augmented the affordable connectivity program was approved and community members who qualified could sign up with the Broadband Accessibility and Affordability Office. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Announced that VDOT and the Albemarle-Charlottesville Regional Jail "Adopt a Highway" crews were picking up litter, and that for the first time ever there was a women's group. She added that the largest ever monthly litter pickup was made, with 78 bags of trash picked up between the Bellair Market and Boar's Head on Route 250 Commented that she attended the University of Virginia's strategic planning retreat where the discussion was centered around the future development of North Fork. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Noted the 8th anniversary of the Earlysville Exchange thrift store, which provided job training, a neighborhood gathering place, and had raised \$188,000 which was donated to local agencies, food pantries, and local groups. Shared that Virginia Grassland Bird Initiative applications were due on November 15 for landowners who wished to participate and get financial support for changing the management of their grasslands to benefit wildlife. Mentioned that she participated in a conference call with Senator Warner and others who were working with the Coalition Against Bigger Trucks and they discussed a proposed bill that would increase the weight that log trucks could carry on interstates from 80,000 to 90,000 pound. She added that she hoped to keep Senator Warner informed and not have him co-sponsor this legislation. 		

<ul style="list-style-type: none"> Announced that the Lewis and Clark Exploratory Center had been chosen for the UVA APO Brotherhood Project, and that a team of 60 students would help rebuild keelboats and do other boat upkeep. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Commented that community members could contact VDOT to get orange bags, and that if one picked up trash, bagged it, and called VDOT, they would pick it up. Mentioned that she had attend a presentation at “The Center” (formerly “The Senior Center”), and remind the public that The Center, the YMCA, and the Boys and Girls Club were existing facilities that could help in several areas. Remarked that she attended the River View Farm historical marker unveiling and commented that it was important for the County to recognize a Black family who left an incredible legacy to their community that should not be lost. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Resolution Celebrating Veterans Day.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution and presented to Lt. Elizabeth Gomez and Master Firefighter Tate McCracken. 	(Attachment 1)	
<p>7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>Nicolas Co</u>, a resident of Charlottesville, spoke towards item Ranked Choice Voting. <u>Michael Pruitt</u>, a resident of the Scottsville Magisterial District, spoke towards item #9 on the agenda. 		
<p>8.1 FY 23 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriations #2023019; #2023020; #2023021; and #2023022 for local government projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney’s Office. (Attachment 2)	
<p>8.2 Tax Refund Approval Request.</p> <ul style="list-style-type: none"> APPROVED the refund request and authorized the Department of Finance and Budget to initiate the refund payments. 	<u>Finance and Budget:</u> Proceed as approved.	
<p>8.3 Set Public Hearing to Consider the Adoption of an Ordinance to Create a Commercial Property Clean Energy (C-PACE) Finance Program.</p> <ul style="list-style-type: none"> SCHEDULED public hearing for December 7, 2022. 	<u>Clerk:</u> Schedule on December 7 agenda and advertise in the Daily Progress.	
<p>8.4 Resolution to Accept Road(s) for the Dry Bridge Road Project into the State Secondary System of Highways and to Abandon/Delete a Portion of Dry Bridge Road. (<i>Samuel Miller Magisterial District</i>)</p> <ul style="list-style-type: none"> ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 3)	
<p>8.5 SE202200048 Fifth Street Landing Self-Storage – Special Exception, Building Stepback Waiver.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve the special exception with the following condition. <ol style="list-style-type: none"> Development of the proposed self-service storage building must be in general accord (as determined by the Director of Planning and the Zoning 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 4)	

	<p>Administrator) with the Stepback Waiver Exhibits (Attachment D). To be in general accord, development must reflect the following major elements:</p> <ol style="list-style-type: none"> a. Location of building b. Architectural design elements, including transparent corner tower structures with pedestrian entryways and articulation in building massing and color. <p>Minor modifications that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or to improve safety.</p>		
8.6	<p>SE202200050 Goodwill Donation Center Special Exception.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve the special exception. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)</p>	
9.	<p>Funding Requests to Support Homeless Services and Affordable Housing.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the full amount of funding requested. 	<p><u>Stacy Pethia</u>: Proceed as approved.</p>	
	<p>Recess. At 3:15 p.m., the Board recessed and reconvened at 3:27 p.m.</p>		
10.	<p>Work Session: Five-Year Financial Plan Work Session.</p> <ul style="list-style-type: none"> • HELD. 	<p><u>Finance and Budget</u>: Proceed as discussed.</p>	
11.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:26 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: • under subsection (1), to discuss and consider the annual performance of the Clerk of the Board of Supervisors, and appointments to various boards and commissions including, without limitation, Architectural Review Board, Blue Ridge Committee for Shenandoah Park Relations, Places 29 (North) Community Advisory Committee, and Places 29 (Rio) Community Advisory Committee; • under subsection (3), to discuss and consider the acquisition of an interest in real property in the City of Charlottesville and in the White Hall Magisterial District where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and • under subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to (1) the County's rights under the terms of the memorandum of agreement between the County and the City of Charlottesville concerning the County courts and under state law, and (2) proposed amendments to Chapter 8 of the Albemarle County Code. 		
12.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:01 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
13.	<p>Boards and Commissions:</p> <ol style="list-style-type: none"> a. Vacancies and Appointments. 	<p><u>Clerk</u>: Prepare appointment/reappointment letters, update Boards and Commissions book,</p>	

<ul style="list-style-type: none"> • REAPPOINTED, Mr. Christian Henningsen to the Architectural Review Board with said term to expire November 14, 2026. • APPOINTED, Ms. Lizbeth Palmer to the Blue Ridge Committee for Shenandoah Park Relations with said term to expire December 31, 2024. • REAPPOINTED, Ms. Francis Caruccio to the Fire Prevention Board of Appeals with said term to expire November 21, 2027. • REAPPOINTED, Ms. Francis Caruccio to the Local Board of Building Code Appeals with said term to expire November 21, 2027. 	<p>webpage, and notify appropriate persons.</p>	
<p>14. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • There was no report. 		
<p>15. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • There were none. 		
<p>16. <u>Pb. Hrg.: An Ordinance to Amend County Code Chapter 8, Licenses, and Chapter 15, Taxation.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Finance and Budget and County Attorney's office. (Attachment 6)</p>	
<p>17. <u>Pb. Hrg.: An Ordinance to Amend County Code Chapter 8, Licenses.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Finance and Budget and County Attorney's office. (Attachment 7)</p>	
<p>18. <u>Pb. Hrg.: An Ordinance to Amend County Code Chapter 15, Taxation.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance as amended. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Finance and Budget and County Attorney's office. (Attachment 8)</p>	
<p>19. Action Item: ZMA202100013 Southwood Phase 2.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202100013. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 9)</p>	
<p>20. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Requested the Board review the home occupation business list and discuss what was an appropriate home occupation. • Mentioned that as requested, she would provide a report on the Greenville trip. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Announced that in the first 6 months of the year, 4.8M packs of cigarettes, or 480,000 cartons, were sold in the newly formed tax region. • Mentioned that she attended a TJPDC Chairs and Executives meeting and that the per-capita rate would be increasing from \$0.62 to \$0.64 per person, adding about \$5,000 to the total TJPDC budget and increasing the County's share by about \$2,200 next year. • Noted that she and Ms. LaPisto-Kirtley had both attended the Pantops CAC and explained that the location had been redistricted from the Rivanna District to the Scottsville District. 	<p><u>Staff:</u> Proceed as directed.</p>	

21. Adjourn to November 4, 2022, 9:00 a.m. Lane Auditorium. <ul style="list-style-type: none"> • The meeting was adjourned at 7:44 p.m. 		
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ckb/tom

- Attachment 1 – Veteran’s Day Resolution
- Attachment 2 – Resolution to Approve Additional FY 2023 Appropriations
- Attachment 3 – VDOT Resolution – Dry Bridge
- Attachment 4 – Resolution to Approve SE 2022-00048 Fifth Street Landing Self-Storage
- Attachment 5 – Resolution to Approve SE 2022-00050 Goodwill Donation Center
- Attachment 6 – Ordinance No. 22-8(1) & 22-15(16)
- Attachment 7 – Ordinance No. 22-8(2)
- Attachment 8 – Ordinance No. 22-15(7)
- Attachment 9 – Ordinance No. 22-A(12) ZMA 2021-00013
- Attachment 10 – ZMA202100013 Southwood Phase 2 – Proffers dated September 12, 2022

RESOLUTION OF APPRECIATION

WHEREAS, the United States of America, founded on the principles of liberty and justice for all, has called on her men and women in uniform to protect our national security; and

WHEREAS, the preservation of our national interests, our rights and our freedom, has been ensured by the service of these individuals; and

WHEREAS, on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values both at home and abroad; and

WHEREAS, over one hundred veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and citizens of Albemarle County; and

WHEREAS, these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby recognizes all veterans and the men and women that are currently serving in our armed forces around the world; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors hereby appreciates and honors the continued contributions and sacrifices of the Armed Forces veterans employed by local government and public schools; and

FURTHER RESOLVED, that this Resolution celebrating Veterans Day, be adopted this 2nd day of November 2022.

Signed this 2nd day of November 2022.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023019; #2023020; and #2023021 are approved;
- 2) That the appropriations referenced in Paragraph #1, 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, 2023.

RESOLUTION

WHEREAS, portions of Route 708 have been realigned and new segments constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation has inspected these new street segments and found them to be acceptable for maintenance; and

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors, this the 2nd day of November, 2022, that the old segments of Route 708, identified in the "Abandonment" section of the attached Form AM-4.3, are no longer needed as part of the Secondary System of State Highways, as new road segments serve the same citizens as the old segments and are hereby requested to be deleted and/or abandoned by the Virginia Department of Transportation pursuant to § 33.2-912, *Code of Virginia*, 1950 amended.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the new segments identified in the "Add" section of the attached Form AM-4.3 as part of the Secondary System of State Highways, pursuant to § 33.2-705, *Code of Virginia*, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED, that the County Board of Supervisors does hereby guarantee unencumbered rights-of-way plus the necessary easements for cuts, fills, and drainage for these added segments;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Virginia Department of Transportation.

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Report of Changes in the Secondary System of State Highways

Project/Subdivision: Project 0708-002-283 C501

Length Correction -

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
708	Dry Bridge Rd	Segment A, Station 109+50	Segment B, Station 108+10	0.03			

Realignment-Abandonment - Project by VDOT §33.2-912

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
708	Dry Bridge Road	Segment B, Station 108+10	Segment E, Station 100+00	0.15			

Realignment-Add - VDOT Project §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
708	Dry Bridge Road	Segment B, Station 108+10	Segment C, Station 105+74	0.05	2		
708	Dry Bridge Road	Segment C, Station 105+74	Segment D, Station 104+39	0.03	2		
708	Dry Bridge Road	Segment D, Station 104+39	Segment E, Station 100+00	0.08	2		

**RESOLUTION TO APPROVE
SE 2022-00048 FIFTH STREET LANDING SELF-STORAGE**

WHEREAS, upon consideration of the staff reports prepared for SE2022-00048 Fifth Street Landing Self-Storage (in conjunction with ZMA202100007) and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.20(a)(4), 18-24.1, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would be consistent with the purpose and intent of the Highway Commercial (HC) zoning district and Neighborhood Model Principles of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.20(a)(4) on Parcel ID 07600-00-00-055A0, subject to the condition attached hereto.

* * * * *

SE2022-00048 – Fifth Street Landing Self-Storage Special Exception Condition

1. Development of the proposed self-service storage building must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Stepback Waiver Exhibits (Attachment D). To be in general accord, development must reflect the following major elements:
 - a. Location of building
 - b. Architectural design elements, including transparent corner tower structures with pedestrian entryways and articulation in building massing and color.Minor modifications that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or to improve safety.

**RESOLUTION TO APPROVE
SE 2022-00050 GOODWILL DONATION CENTER**

WHEREAS, upon consideration of the staff reports prepared for SE2022-00050 Goodwill Donation Center and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-24.2.1(49) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would not be a substantial detriment to adjacent parcels;
- (ii) would not change the character of the adjacent parcels and the nearby area;
- (iii) would be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the district, and with the public health, safety, and general welfare (including equity); and
- (iv) would be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 4,000 square foot gross floor area size limit on Storage/Warehousing/Distribution/Transportation uses on Parcel ID 07800-00-00-005C0, which limit would otherwise apply in the Highway Commercial Zoning District under County Code § 18-24.2.1(49).

ORDINANCE NO. 22-8(1) & 22-15(6)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, LICENSES, 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 8, Licenses, and Chapter 15, Taxation of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

8-201 When license application and license tax are due; penalties.
15-106 Erroneous assessments

Chapter 8. Licenses**Article 1. Business Licenses****Division 2. License Requirement, Situs of Gross Receipts, Appeals, and Recordkeeping****Sec. 8-201 When license application and license tax are due; penalties.**

Each person subject to a license tax shall apply for a license and pay the license tax as follows:

A. *When license application is due.* Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensure in the County on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year. The application shall be on forms prescribed by the Director of Finance.

B. *When license tax is due.* The tax shall be paid with the license application in the case of any license tax not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before June 15 of the license year; provided that each motor vehicle dealer who separately states the amount of the license tax applicable to each sale of a motor vehicle and adds the tax to the sales price of the motor vehicle shall pay the tax on or before the twentieth day of the month following the close of each calendar quarter.

C. *Extensions.* The Director of Finance may grant an extension of time in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax; the tax is then subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, with a penalty of ten percent of the portion paid after the due date.

D. *Penalty for failure to timely file an application or pay the license tax.* The Director of Finance will impose a penalty for failure to timely file an application or pay the license tax as follows:

1. *When late penalty imposed.* A penalty of ten percent of the tax may be imposed by the Director of Finance upon the failure of any person to file an application or the failure to pay the tax by the appropriate due date. The Director of Finance shall impose only the late filing penalty if both the application and license tax payment are late; provided that the Director may impose both penalties if the Director determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the Director of Finance, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless, or intentional disregard of the law by the taxpayer, the Director shall not impose a late payment penalty with the additional tax. If any assessment of tax by the Director of Finance is not paid within 30 days, the Director may impose a ten percent late payment penalty.

2. *When late penalty not imposed.* If the failure to file or pay was not the fault of the taxpayer, the Director of Finance shall not impose a late penalty, or if imposed, shall be abated by the official who assessed them. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

a. *Acted responsibly defined.* "Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing

obligations for the business; and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

b. *Events beyond the taxpayer's control defined.* "Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the Director who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

E. *Interest on late payments.* The Director of Finance shall charge interest on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment.

(§ 8-201; Ord. 19-8(1), 4-17-19, Ord.22-8(1), 11-2-22, effective 11-2-22)

State law reference(s)—Va. Code § 58.1-3703.1.

Chapter 15. Taxation

Article 1 Administration

Sec. 15-106 Erroneous assessments

- A. This section applies to the erroneous assessment of any fee or tax under this chapter, as well as Chapter 8.
- B. The Director of Finance shall investigate, exonerate, and refund erroneously assessed fees and taxes in accordance with Virginia Code § 58.1-3981.
- C. *Minor amounts.* The Director is authorized to approve and issue any refund of erroneously assessed or paid taxes, up to the maximum amount allowed under Virginia Code § 58.1-3981(A), without consulting the Board of Supervisors or the County Attorney.
- D. *Quarterly reports.* The Director shall make quarterly reports to the Board of Supervisors that itemize these refunds.

(11-3-76; 4-13-88; Ord. of 2-14-90; Ord. of 2-5-92; Ord. No. 94-8(4), 11-2-94; Code 1988, § 8-1.1; § 15-102, Ord. 98-A(1), 8-5-98; § 15-106, Ord. 19-15(1) , 4-17-19, Ord. 22-15(6), 11-2-22, effective 11-2-22)

State Law reference— Va. Code § 58.1-3990.

This ordinance is effective immediately.

ORDINANCE NO. 22-8(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, LICENSES, 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 8, Licenses, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

8-703 Pawnbrokers; limitation on number of licenses issued in County.

By Adding:

8-716 All other businesses and occupations.

By Renumbering:

8-712 Retail sales.

8- 713 Wholesale sales.

8-714 Renting houses, apartments, or commercial property.

8-715 Federal research and development contractors.

Chapter 8. Licenses**Article 1. Business Licenses*****DIVISION 7. SCHEDULE OF TAXES*****Sec. 8-703 Pawnbrokers; limitation on number of licenses issued in County.**

The Director of Finance shall not issue licenses for the operation of more than ten pawnshops in the County. The Director shall notify the County Sheriff of each license issued for a pawnshop.

(3-15-73, § 38; 4-13-88; Ord. 96-11(1), 11-13-96, § 11-40; Code 1988, § 11-40; § 8-605, Ord. 98-A(1), 8-5-98; § 8-703, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 54.1-4000, -4002.

Sec. 8-712 Retail sales.

Except as provided in subsection (A) and in Virginia Code § 58.1-3706 (E), each person engaged as a retailer or retail merchant is subject to a license tax of \$0.20 for each \$100.00 of gross receipts.

- A. *Direct retail sales; lower rate.* Each person engaged as a retailer or retail merchant is subject to a license tax of \$0.10 for each \$100.00 of gross receipts for direct retail sales.
- B. *Direct retail sale defined.* For purposes of this section, a "direct retail sale" means a retail sale made to a remote buyer ordering by telephone, internet, or mail, in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service.

(3-15-73, § 55; 4-21-76; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-68; Code 1988; § 11-68; § 8-617, Ord. 98-A(1), 8-5-98; Ord. 06-8(1), 5-3-06, effective 1-1-07; Ord. 07-8(1), 10-3-07, effective 1-1-08; Ord. 17-8(2), 8-2-17; § 8-713, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3706 (A)(2).

Sec. 8-713 Wholesale sales.

Except as provided in Virginia Code § 58.1-3703 (C) each person engaged as a wholesaler or wholesale merchant is subject to a license tax of five cents for each \$100.00 of purchases.

(3-15-73, § 56; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-69; Code 1988, § 11-69; § 8-618, Ord. 98-A(1), 8-5-98; § 8-714, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3716.

Sec. 8-714 Renting houses, apartments, or commercial property.

Each person engaged in the business of renting houses, apartments or commercial property in the County is subject to a license tax of \$0.20 for each \$100.00 of gross receipts from the rental of all commercial establishments, apartment units, or dwelling units. For purposes of this section, the following definitions apply:

- A. *Business of renting houses and apartments defined.* "Business of renting houses and apartments" means the rental of a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boardinghouses, rooming houses, or other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.
- B. *Dwelling units defined.* "Dwelling units" means one or more rooms in a dwelling house or apartment designed for occupancy by one family for living purposes and having cooking facilities.

(3-15-73, § 61; 5-15-75; Ord. 96-11(1), 11-13-96, § 11-71; Code 1988, § 11-71; § 8-619, Ord. 98-A(1), 8-5-98; Ord 17-8(1), 6-14-17, effective 8-1-17; § 8-715, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3703 (C)(7).

Sec. 8-715 Federal research and development contractors.

Each person, person, firm, or corporation designated as the principal or prime contractor receiving identifiable federal appropriations for research and development services as defined in § 31.205-18 (a) of the Federal Acquisition Regulation in the areas of: (i) computer and electronic systems; (ii) computer software; (iii) applied sciences; (iv) economic and social sciences; and (v) electronic and physical sciences in the County is subject to a license tax of three cents per \$100.00 of the federal funds received in payment of the contracts upon documentation provided by the person, firm, or corporation to the Director of Finance confirming the applicability of this section.

(§ 8-620, Ord. 16-8(1), 7-13-16; § 8-716, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3706 (D)(1).

Sec. 8-716 All other businesses and occupations.

Each person engaged in a business or occupation not specifically listed or excepted by this article or by the Code of Virginia is subject to a license tax of \$0.36 for each \$100.00 of gross receipts.

(3-15-73, §§ 39.1, 53; 4-21-76; 3-10-82; 11-14-84; 4-13-88; Ord. 96-11(1), 11-13-96, § 11-66; Code 1988, § 11-66; § 616, Ord. 98-A(1), 8-5-98; Ord. 00-8(1) , 10-11-00; Ord. 17-8(1) , 6-14-17, effective 8-1-17; § 8-712, Ord. 19-8(1), 4-17-19, Ord. 22-8(2), 11-2-22 effective 1-1-23)

State law reference(s)—Va. Code § 58.1-3706; 23VAC10-500-500.

This ordinance is effective on and after January 1, 2023.

ORDINANCE NO. 22-15(7)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, TAXATION, 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 15, Taxation, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By amending:

15-800 Personal property tax imposed

By Adding:

15-806 Manufactured homes; proration of tangible personal property tax.

By Renumbering:

15-807 Personal property tax relief.

Chapter 15. Taxation**ARTICLE 8****Article 8 Personal Property Tax****Section 15-800 Personal property tax imposed.**

- A. A tax on tangible personal property is hereby imposed as provided in this article. The status of all persons, firms, corporations, and other taxpayers liable to taxation on any tangible personal property shall be fixed as of January 1 of each year and the value of the property shall be assessed as of that date.
- B. If a taxpayer owns tangible personal property of such small value that the tax owed thereon for the year results in a tax of less than fifteen dollars, such tax shall be omitted from the personal property book and no assessment made thereon.

(§ 8-1.8, Ord. of 2-14-90; Ord. of 2-5-92. Ord. No. 94-8(10), 8-3-94; Code 1988, § 8-68; § 15-1100, Ord. 98-A(1), 8-5-98; § 15-800, Ord. 19-15(1) , 4-17-19 Ord. 22-15(7), 11-2-22, effective 1-1-23)

State Law reference— Va. Code, §§ 58.1-3518, 58.1-3518.1, 58.1-3001.

Sec. 15-806 Manufactured homes; proration of tangible personal property tax.

If a manufactured home, as defined in Virginia Code § 36-85.3, is delivered or moved into the County after January 1, and used as a place of full-time residence by any person, then the taxes that would have been collectible, had it been situated within the County on January 1 of that year, shall be prorated quarterly.

State Law reference— Va. Code, §§ 58.1-3518, 58.1-3518.1, 58.1-3001.

Sec. 15-807 Personal property tax relief.

- A. Purpose; definitions; relation to other sections.
 1. The purpose of this section is to provide for the implementation of the changes to the Personal Property Tax Relief Act of 1998, Virginia Code §§ 58.1-3523 *et seq.* ("PPTRA") effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

2. Terms used in this section that have defined meanings set forth in the PPTRA shall have the same meanings as set forth in Virginia Code § 58.1-3523.
 3. To the extent that this section conflicts with any other provision of the County Code, this section shall control.
- B. Method of computing and reflecting tax relief.
1. For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for the PPTRA and the reporting of the specific dollar relief on the tax bill.
 2. Any amount of the PPTRA relief not used within the County's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.
 3. Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.
- C. Allocation of relief among taxpayers.
1. Allocation of the PPTRA relief shall be provided in accordance with the general provisions of this section.
 2. Relief shall be allocated so as to eliminate personal property taxation of (i) each qualifying vehicle with an assessed value of \$1,000.00 or less; and (ii) the first \$20,000.00 in value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring him, his spouse, or both to pay the tangible personal property tax on that vehicle. The provisions of this subdivision (ii) apply only to a vehicle that would not be taxed in Virginia if the vehicle were owned by that military member, his spouse, or both.
 3. Relief with respect to qualifying vehicles with assessed values of more than \$1,000.00 shall be provided at a percentage, annually fixed and applied to the first \$20,000.00 in value of each such qualifying vehicle, that is calculated fully to use all available state PPTRA relief.

(§ 15-1103, Ord. 06-15(1) ,1-4-06,effective 1-1-06;Ord.15-5(1),7-1-15; § 15-806,Ord.19-15(1), 4-17-19, Ord. 22-15(7), 11-2-22,effective 1-1-23)

State Law reference— Va. Code § 58.1-3524.

This ordinance is effective on and after January 1, 2023.

**ORDINANCE NO. 22-A(12)
ZMA 2021-00013**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 090A1-00-00-001D0, 090A0-00-00-00400, AND 090A0-00-00-001C0**

WHEREAS, an application was submitted to rezone 93.32 acres on Parcels 090A1-00-00-001D0, 090A0-00-00-00400, and 090A0-00-00-001C0 from R2 Residential to Neighborhood Model District (NMD); and

WHEREAS, on April 26, 2022, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2021-00013;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00013 and their attachments, including the Code of Development last revised October 13, 2022 and the Proffers dated September 12, 2022, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00013 with the Code of Development entitled "Southwood Phase II – A Neighborhood Model District – Code of Development," dated October 18, 2021, last revised on October 13, 2022, and the Proffers dated September 12, 2022.

Original Proffers X
 Amendment

PROFFER STATEMENT

Project Number: **ZMA202100013**

Project Name: **Southwood Phase 2**

Parcel ID Numbers: **090A1-00-00-01D0 (86.80 acres), 090A0-00-00-00400 (4.00 acres), 090A0-00-00-001C0 (0.46 acre)**

Owner of Record: **Southwood Charlottesville, LLC**

Date: September 12, 2022

Approximately 93 acres to be rezoned from R2 Residential to NMD – Neighborhood Model Development

Southwood Charlottesville, LLC, a Virginia limited liability company, is the sole owner (the “Owner”) of Parcel Numbers 090A1-00-00-01D0, 090A0-00-00-00400, and 090A0-00-00-001C0 (the “Property”), which is the subject of an application for the amendment of ZMA 2018-0003, a project known as “Southwood Phase 1.” This proffer statement does not amend, supersede, or replace the proffer statement for Southwood Phase 1 and applies only to the Property.

Pursuant to *Albemarle County Code* § 18-33.7, the Owner hereby voluntarily proffers the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning. The Owner specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signature below. Reference to the “Plan” means the Southwood Phase II Redevelopment Application & Green Space Plan, dated October 18, 2021, as last amended June 27, 2022, prepared by Timmons Group, approved by the County as part of the rezoning.

1. Public Trail and Trail Connections:

(a) As part of the subdivision plat approval for each section of the Property for which a site plan is approved, the Owner will grant an easement for public use of that portion of the Southwood pedestrian perimeter trail included in the section (the “Trail”). The Owner or its successor-in-title will maintain the Trail. In addition, the Owner will grant an easement for public use of the Southwood pedestrian perimeter trail located in Phase 1; deeds of easement for public use will be recorded in conjunction with subdivision plat approvals or as segments are completed.

(b) Along with the deeds of easement for public use, the Owner will grant one or more easements over the Property to provide public pedestrian rights of way between public sidewalks and the Trail. The conceptual location of such pedestrian connections between public sidewalks and the Trail are shown on Figure 8 in the Code of Development.

(c) Upon written request by Albemarle County, the Owner shall dedicate to the County, at no cost to the County and within three (3) months of the aforementioned request, public easements over trail connections between the Trail and any trail constructed by the County on abutting County property (Parcels 09000-00-00-00500, 090A1-00-00-00100, and 090A0-00-00-00300), the location of such trail connections to be determined by the Owner and the County. Following conveyance of such easement(s), the Owner and its successors will not be responsible for maintaining the land under the easement(s), associated trail connection(s), associated signage, or any associated structures.

2. **Transit Stops.** Following commencement of construction of the Project, upon request by the County of Albemarle, the Owner will construct two public transit stops (the "Transit Stops") on the Property in locations to be determined within the Hickory Frontage Overlay or Neighborhood Center Special Area shown on the Plan. The location and design of the Transit Stops will be planned in coordination with, and are subject to the approval of, the appropriate County and transit authorities. The Transit Stops will incorporate pedestrian access, signage, shelters, benches, and trash receptacles consistent with similar existing transit stops. The Owner must either (a) dedicate any portions of the Transit Stops located on the Property to public use or (b) grant any easements necessary to allow public access and usage of the Transit Stops.
3. **Off-Site Hickory Street Engineering.** The Owner will provide to the County certain road design drawings of that portion of Hickory Street extending from the eastern terminus of Hickory Street at the southeastern boundary of the Property to the intersection of Hickory Street with Oak Hill Drive (the "Hickory Street Section"). Specifically, the Owner will provide the following:
 - a. construction drawings for basic improvements to bring the roadway within the Hickory Street Section up to minimal functional standards (such as milling and repaving and drainage improvements) (the "Construction Drawings") in the interim period prior to the construction of the road contemplated by subparagraph (b); and
 - b. engineered road plans of 30% completion (the "Road Plans") for construction of the Hickory Street Section to VDOT secondary public road standards and County requirements, which will tie into the design for Hickory Street on the Property.

The Owner will provide the Construction Drawings and the final version of the Road Plans, which will incorporate revisions to the previously-submitted Road Plans based on County comments, within six (6) months of the County's request, or sooner if agreed to by the parties. The Owner will provide the Construction Drawings and the Road Plans in CAD form for use by the party(ies) who may construct the Hickory Street Section.

4. **School Site.**

- (a) Through July 1, 2027, the Owner will reserve for sale to the County an area comprising up to seven (7) acres on Block 34 and/or Block 20 abutting a public right-of-way (the "School Site") under the following terms and conditions:

(1) **Site Condition.** The School Site will be a graded and compacted pad site with water, sewer and electricity utility connections constructed to the edge of the parcel to accommodate an elementary school according to standards of the County School Division's Building Services Department. At closing on the sale, the land comprising the School Site will have been remediated pursuant to the Owner's environmental consultant's recommendations as to underground tanks, water and sewer infrastructure, and known underground dry utilities (e.g. electricity, cable, telephone); all trailers will have been removed, and current residents will have been relocated according to applicable sections of the Uniform Relocation Act; and existing structures and parking lots (Community Center, Rental Office and Boys and Girls Club, etc.) will have been razed and removed.

not to exceed
\$ 680,000
DHR

(2) **Sale Price.** The sale price will be the amount equal to (a) Eighty percent (80%) of the as-is, where-is appraised value of the land at the time of the effective date of the purchase and sale agreement (the "Contract"); plus (b) Owner's expense to achieve the conditions set out in subparagraph 4(a)(1) above and to construct any additional site improvements (other than the School building itself) required by the site plan for the School Site (such as curb and gutter, landscaping, street lights, and storm water management facilities) to such standards as the purchaser may specify, as set out in the Contract, less Owner's administrative overhead expenses for managing the work (the "Sale Price").

(3) **Schedule.** Upon receipt of written notice from the County that the County desires to purchase the School Site ("Notice"), the County will specify the standard to which the School Site shall be delivered, as provided in Proffer 4(a)(2), and the parties shall enter into the Contract within one hundred eighty (180) days of the Notice, or a time period that is mutually agreed upon between the parties. The Owner shall deliver the School Site, and the parties shall close on the sale on or before the four (4)-year anniversary of the effective date of the Contract. (For example, if the County provides Notice by December 31, 2022, the parties will enter into a Contract by June 29, 2023, and the Owner will deliver the site by June 29, 2027.) If the County does not provide Notice to the Owner to purchase the School Site by July 1, 2027, or if the County does not enter into the Contract within the time period specified, the Owner shall be under no further obligation to sell the School Site to the County, this proffer shall be of no further force and effect, and the Owner may develop the School Site consistent with the Code of Development for ZMA202100013, as it may be amended.

5. **Additional Affordable Units.** In addition to the affordable housing commitment set out in the Code of Development for ZMA202100013, until July 1, 2025, the Owner will at a minimum, reserve sufficient land within the Property to allow 50 or more affordable dwelling units to be constructed and will discuss the sale of such land for the development of such units with one or more affordable housing developers ("AH Developers") at terms that would allow the development of 50 or more affordable units, on the following terms and conditions. The Owner will pursue an agreement with a third-party Low Income Housing Tax Credit (LIHTC) or other AH Developer for Owner to sell a parcel or parcels within the Property, the exact location and acreage to be determined, for the development of at least 50 affordable units (as defined by County Code and policy). If the Owner is unable to enter into a contract with an AH Developer and/or the Owner contracts with a LIHTC Developer that does not apply for credits and/or is not awarded Low Income Housing Tax Credits for 50 or more affordable

dwelling units during the 2025 LIHTC grant cycle, then this proffer will expire and be of no further force or effect.

6. **Stream Restoration Easement(s)**. At the request of Albemarle County, the Owner will grant to the County a permanent drainage and access easement 50' on either side of the Biscuit Run tributary on Block 13 for the County stream restoration project and subsequent maintenance of Biscuit Run.
7. **Business Days**. All deadlines referred to in this Proffer Statement shall mean the Business Day that immediately follows the deadline, should the deadline fall on a Sunday or a holiday, and shall mean the Friday that immediately precedes a deadline that falls on a Saturday. For the purposes of the preceding sentence, "Business Day" means any day that is not a Saturday, Sunday, or Federal, State, or County holiday.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

Signature Page for Proffer Statement for Southwood Phase 2, ZMA 2021-0013
Parcel ID Numbers: 090A1-00-00-01D0, 090A0-00-00-00400, 090A0-00-00-001C0

OWNER:

SOUTHWOOD CHARLOTTESVILLE, LLC,
a Virginia limited liability company

By: 
Daniel H. Rosensweig, Manager

#100958515v2