

ORDINANCE NO. 23-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING 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 is hereby reordained and amended as follows:

**By Amending:**

- Sec. 3.1 Definitions
- Sec. 4.15.5 Permanent signs for which a sign permit is required; signs exempt from obtaining a sign permit
- Sec. 30.6.6 Submittal, review and action on application; preliminary review
- Sec. 30.6.7 Submittal, review and action on application; final review
- Sec. 32.3.4 Fees
- Sec. 32.8.2 Agreement and surety
- Sec. 32.8.6 Dam break inundation zones; prerequisite to development
- Sec. 33.4 Uniform Requirements for Owner Initiation of Zoning Map Amendments and Special Use Permits
- Sec. 34.3 Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals
- Sec. 34.4 Variances
- Sec. 34.6 Interpreting a district map
- Sec. 35.1 Fees

**By Removing:**

- Sec. 35.2 Calculation of fees in special circumstances
- Sec. 35.3 Mode and timing for paying fees
- Sec. 35.4 Fee refunds
- Sec. 35.5 Pre-existing use fee waiver

**Chapter 18. Zoning  
Article I. General Provisions**

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**Sec. 3.1 - Definitions**

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*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 **Chapter 1, Article 5 § 5-201.**

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**Chapter 18. Zoning**  
**Article II. Basic Regulations**

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**Sec. 4.15.5 – Permanent signs for which a sign permit is required; signs exempt from obtaining a sign permit.**

Each permanent sign is subject to the following:

a. *Signs required to obtain sign permit.* Except for those signs identified in subsection (b), a sign permit ~~shall~~**must** be obtained for each sign prior to its erection, alteration, replacement, or relocation to ensure that it complies with any applicable requirements of this section 4.15, as provided herein:

1. *Application.* An application for a sign permit ~~shall~~**must** be submitted to the department of community development, together with payment of the fee required for the application pursuant to **County Code Chapter 1, Article 5.** ~~section 35.4.~~ A complete application ~~shall~~**consists** of the following:

- a. A fully completed application form, provided to the applicant by the zoning administrator;
- b. A schematic legibly drawn to scale and sufficiently detailed showing the proposed location and dimensions of the sign; and
- c. Any plans, specifications and details pertaining to, among other things, the sign materials, the methods of illumination, methods of support, components, and the condition and age of the sign, as determined by the zoning administrator to be necessary for the review of the application.

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**Chapter 18. Zoning**  
**Article III. District Regulations**

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**Sec. 30.6.6 - Submittal, review and action on application; preliminary review.**

Applications for preliminary review under section 30.6 ~~shall~~**are** subject to the following:

a. *Applications.* An application for preliminary review ~~shall~~**must** contain a completed county-provided application form and supplemental information required by the director of planning (the "application"). The application may be filed with the department of community development by the owner, the owner's agent, or a contract purchaser with the owner's written consent (the "applicant"). Eight collated copies of the application and all other information required by the application form for a preliminary review ~~shall~~**must** be filed. The application ~~shall~~**must** be accompanied by the fee required by ~~section 35~~**County Code Chapter 1, Article 5,** at the time of its filing.

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**Sec. 30.6.7 – Submittal, review and action on application; final review.**

Applications for final review under section 30.6 ~~shall~~**are** subject to the following:

a. *Applications.* An application for final review ~~shall~~**must** contain a completed county-provided application form and supplemental information required by the director of planning (the "application"). The application may be

filed by the owner, the owner's agent, or a contract purchaser with the owner's written consent (the "applicant"), with the department of community development. Eight collated copies of the application and all other information required by the application form for a final review ~~shall~~**must** be filed. The application ~~shall~~**must** be accompanied by the fee required by ~~35~~ **County Code Chapter 1, Article 5** ~~section 35~~ at the time of its filing.

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**Chapter 18. Zoning  
Article IV. Procedure**

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**Sec. 32.3.4 - Fees.**

The developer ~~shall~~**must** pay the applicable fees as provided in **County Code Chapter 1, Article 5**, ~~section 35.1.~~ (§ 32.3.4, Ord. 12-18(6) , 10-3-12, effective 1-1-13 (§ 32.3.9, 5-5-82; § 32.6.6, 12-10-80))  
State Law reference— Va. Code § 15.2-2241 (9).

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**Sec. 32.8.2 – Agreement and surety.**

Any developer who does not complete all required improvements as provided in section 32.8.1 ~~shall~~**must**, prior to approval of a final site plan, enter into an agreement with the county to complete the construction and installation of all improvements required by section 32.7 within a period of time agreed to by the parties, and ~~shall~~**must** provide a surety to guarantee the completion of the improvements, as follows:

- a. *Form of the agreement.* The agreement accompanying the surety ~~shall~~ must be on a form prepared by the county attorney and any proposed amendment to the agreement ~~shall be~~**is** subject to review and approval by the county attorney.
- b. *Type of surety permitted and amount.* The developer ~~shall~~**must** furnish to the agent a certified check, official check, bond with surety, letter of credit, or collaterally assign funds in a manner satisfactory to the county attorney (collectively, the “surety instrument”), in an amount sufficient for and conditioned upon the completion of the construction and installation of the improvements, as determined under subsection (b). Any proposed surety instrument ~~shall be subject to being acceptable to the county engineer, shall be in a form and have the substance approved by the county attorney, and shall be~~**is** subject to review and approval **as to form and substance by the county engineer and** the county attorney.
- c. *Estimate.* The developer ~~shall~~**must** submit a request for an estimate of the surety amount to the county engineer. The county engineer ~~shall~~**will** prepare a cost estimate of all improvements, based upon unit prices for new public or private sector construction in the county, and a reasonable allowance for estimated administrative costs, including inspection fees

~~required~~ **provided in County Code Chapter 1, Article 5** ~~by section 35.1,~~ inflation, and potential damage to existing streets or utilities, which shall ~~may~~ not exceed ten percent of the estimated construction costs.

d. *Use of surety.* The county may make use of monies guaranteed by the surety instrument if either: (i) the developer fails to timely renew the bond with surety, letter of credit, or the collaterally assigned funds; or (ii) the county engineer, in his discretion, determines that any of the improvements have not been completed in a timely manner and the completion of the improvements is deemed necessary to protect the public health, safety or general welfare. The county's use of the monies guaranteed by the surety instrument shall ~~will~~ not terminate the agreement accompanying the surety instrument.

(§ 32.8.2, Ord. 12-18(6) , 10-3-12, effective 1-1-13 (§ 32.3.7, 5-1-87; § 32.5.2, 12-10-80))

State Law reference— Va. Code §§ 15.2-2241 (5), 15.2-2241 (9), 15.2-2255 .

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**Sec. 32.8.6 — Dam break inundation zones; prerequisite to development.**

Following the completion of the engineering studies in accordance with Virginia Code § 15.2-2243.1 (A) and the determination by the Virginia Department of Conservation and Recreation that the developer's plan of development would change the spillway design flood standards of the impounding structure, before any development within a dam break inundation zone:

- a. *Payment for portion of necessary upgrades.* The developer shall ~~must~~ pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with an administrative fee **as provided in County Code Chapter 1, Article 5**. ~~Not to exceed one percent of the total amount of payment required or \$1,000.00, whichever is less.~~ Any payments shall ~~must~~ be made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority pursuant to Virginia Code § 10.1-603.19:1 . ~~“Necessary upgrades”~~ do not include costs associated with routine operation, maintenance, and repair, nor do they include repairs or upgrades to the impounding structure not made necessary by the proposed development; or
- b. *Redesign the development.* The developer shall ~~must~~ amend the site plan so that it does not alter the spillway design flood standards required of the impounding structure.

( Ord. 13-18(7) , 12-4-13, effective 1-1-14)

State Law reference— Va. Code §§ 10.1-606.3 , 15.2-2243.1 .

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**Sec. 33.4 – Uniform Requirements for Owner Initiation of Zoning Map Amendments and Special Use Permits.**

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H. *When an application is determined to be complete; effect.*

1. When the Agent determines that the applicant has submitted all required information, the Agent will determine the application to be complete. On that date (or ten days after the first application deadline following receipt of the application, if the Agent fails to make a timely determination on the completeness of the application), the application is deemed referred to the Commission for the purpose of calculating the time in which action must be taken pursuant to subsection (O), except as provided in subsection (H)(3).
2. *Notification of Applicant.* The Agent will notify the applicant by letter or by e-mail when the application has been determined to be complete.
  - a. *Notice to other owners of application for zoning map amendment to amend existing proffers.* Within ten days after an application for a zoning map amendment seeking to amend existing proffers is determined to be complete, written notice of the proposed amendment will be provided to each owner subject to the same proffers, as required by Virginia Code §§ 15.2-2204(H) and 15.2-2302 .
  - b. *Notice to owner of application for special use permit filed by easement holder or electric cooperative when application determined to be complete.* Within ten days after an application for a special use permit filed by an easement holder is determined to be complete, written notice of the proposed special use permit will be provided to each owner of the property for which the special use permit is sought, as required by Virginia Code § 15.2-2204(H) .
  - c. *Notice of completed applications to holders of open-space or conservation easements.* For zoning map amendments or special use permits pertaining to a parcel subject to an open-space easement or a conservation easement, the Agent will provide written notice within ten days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice will be sent by first class mail. The notice will inform the recipient that the application has been filed and describe the nature of the application. An action on an application will not be invalidated solely because of a failure to timely mail this notice.
3. *Paying fees.* The applicant must pay the fees required **in County Code Chapter 1, Article 5** ~~by section 35.1~~ when the application is determined to be complete or if the Agent fails to make a timely determination on the completeness of the application. The application will not be reviewed, and any time by which action must be taken by the Commission or the Board of Supervisors does not begin, until the applicant pays the fees. An application is void if the applicant fails to pay the fees either (a) within ten days of the notice that the application is determined to be complete or (b) within 20 days after the first application deadline following receipt of the application, if the Agent fails to make a timely determination on the completeness of the application. The application is determined to be complete for the purpose of calculating the time in which action must be taken pursuant to subsection (O) only after the required fees have been paid.

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**Sec. 34.3 - Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals.**

An appeal from any order, requirement, decision or determination made by an administrative officer, and an appeal from any decision of the zoning administrator, in the administration or enforcement of Virginia Code §§ 15.2-2280 through 15.2-2316.2 and this chapter (collectively, a "decision"), exclusive of any decision made under section 32, ~~shall~~**will** be considered by the board of zoning appeals (the "board") as follows:

- a. Standing to appeal. An appeal to the board may be taken by any person aggrieved or by any county officer, department, board or bureau affected by any decision of the zoning administrator or an administrative officer.
- b. Time in which to appeal decision. Any appeal shall be received by the zoning administrator and the board within 30 days after the date of the decision; provided that any appeal of a notice of violation involving temporary or seasonal commercial uses, parking commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations, shall be received by the zoning administrator and the board within ten days after the date of the decision. The date of the decision shall be the date of the letter or written notice, provided that the time in which to appeal an order or a notice of violation shall not commence unless and until the recipient is provided the notice required by section 36.2(d).
- c. Form of the appeal. Any appeal shall be in writing and shall state the grounds for the appeal.
- d. Where appeal must be submitted. An appeal must be submitted to the zoning administrator and to the board. An appeal received by the county's department of community development ~~shall be~~**is** deemed to have been received by both the zoning administrator and the board.
- e. Payment of fees. The submitted appeal ~~shall~~**must** be accompanied by the applicable fee required **in County Code Chapter 1, Article 5** ~~by section 35.4~~. An appeal ~~shall~~**is** not ~~be~~ deemed to have been received until the required fee is paid.

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**Sec. 34.4 - Variances.**

- e. *Payment of fees.* When an application is determined to be complete, the applicant ~~shall~~**must** pay the fee required **in County Code Chapter 1, Article 5** ~~by section 35.4~~ before the application is further processed.

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**Sec. 34.5 – Special use permits.**

- e. *Payment of fees.* When an application is determined to be complete, the applicant ~~shall~~**must** pay the fee required **in County Code Chapter 1, Article 5** ~~by section 35.4~~ before the application is further processed.

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**Sec. 34.6 – Interpreting a district map.**

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e. *Payment of fees.* When an application is determined to be complete, the applicant shall **must** pay the fee required **in County Code Chapter 1, Article 5** by section ~~35.4~~ before the application is further processed.

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**Sec. 35.1 - Fees.**

Each applicant must pay any following applicable fees **provided in County Code Chapter 1, Article 5**, provided that neither the county nor the county school board is required to pay any fee if it is the applicant:

- a. ~~Zoning map amendments:~~
  - 1. ~~Less than 50 acres; application and first resubmission: \$2,958.00~~
  - 2. ~~Less than 50 acres; each additional resubmission: \$1,479.00~~
  - 3. ~~Fifty acres or greater; application and first resubmission: \$4,141.00~~
  - 4. ~~Fifty acres or greater; each additional resubmission: \$2,070.00~~
  - 5. ~~Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to remove steep slopes from the steep slopes overlay district: any application fee under subsections (a)(1) through (4).~~
  - 6. ~~Amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under section 33.7(f): \$503.00 plus calculated notification and legal advertisement costs.~~
  - 7. ~~Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,823.00.~~
- 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: \$1,183.00~~
  - 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: \$592.00~~
  - 3. ~~Signs reviewed by the board of zoning appeals: See subsection 35.1(e)~~
  - 4. ~~All other special use permits; application and first resubmission: \$2,366.00~~
  - 5. ~~All other special use permits; each additional resubmission: \$1,183.00~~

- ~~6. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking: \$580.00-~~
  - ~~7. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking: \$130.00-~~
  - ~~8. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,823.00-~~
- ~~e. Site plans:-~~
- ~~1. Initial site plans: \$1,420.00 plus \$16.00 per dwelling unit and \$0.016 per square foot of nonresidential structure; the fee paid for preapplication plans shall be applied to the fee for initial site plans-~~
  - ~~2. Preapplication plans: \$592.00-~~
  - ~~3. Final site plans: \$1,775.00-~~
  - ~~4. Exception to drawing of site plan under section 32.3.5(a): \$1,775.00-~~
  - ~~5. Site plan amendments under section 32.3.3(b): \$592.00 (minor); \$118.86 (letter of revision)-~~
  - ~~6. Site plan amendments under section 32.3.3(b) (major): \$1,775.00-~~
  - ~~7. Appeals under section 32.4.2.6: \$284.00-~~
  - ~~8. Reinstatement of review under sections 32.4.2.1(d) and 32.4.3.1(e): \$284.00-~~
  - ~~9. Reinstatement of review under section 32.4.2.5(e): \$95.00-~~
  - ~~10. Extension of period of validity: \$562.00-~~
  - ~~11. Inspections pertaining to secured site plan improvements; per inspection: \$331.00-~~
  - ~~12. Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 or \$1,101.00, whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority)-~~
- ~~d. Certificates of appropriateness considered by the architectural review board ("ARB):-~~
- ~~1. For a site plan; per review by the ARB: \$1,183.00-~~
  - ~~2. For a building permit; per review by the ARB: \$698.00-~~
  - ~~3. Major amendment: \$266.00-~~
  - ~~4. Review by the ARB - Conceptual plan/advisory review: \$538.00-~~
  - ~~5. Review by the ARB - Preliminary/initial review of a site development plan: \$538.00-~~
  - ~~6. County-wide certificate of appropriateness - Structures 750 feet or more from the Entrance Corridor, no taller than five stories: \$538.00-~~
  - ~~7. County-wide certificate of appropriateness - Structures located behind a structure that fronts the Entrance Corridor: \$538.00-~~
  - ~~8. County-wide certificate of appropriateness - Personal wireless service facilities: \$538.00-~~



- ~~9. County-wide certificate of appropriateness – Fencing or equipment or lighting: \$269.00~~
- ~~10. County-wide certificate of appropriateness – Additions to ARB-approved buildings: \$538.00~~
- ~~11. County-wide certificate of appropriateness – Minor amendments to site or architectural plans: \$538.00~~
- ~~12. County-wide certificate of appropriateness – Building permits where the change is 50% or less of the altered elevation: \$538.00~~
- ~~13. Review of any sign to be constructed in the Entrance Corridors: \$130.00~~
- ~~14. Review of the resubmittal of any sign to be constructed in the Entrance Corridors: \$65.00~~
- e. ~~Matters considered by the board of zoning appeals:-~~
  - ~~1. Variances: \$592.00~~
  - ~~2. Appeals: \$284.00~~
  - ~~3. Special use permits for signs under sections 4.15.5 and 4.15.5A: \$592.00~~
  - ~~4. Interpreting a district map: \$284.00~~
- f. ~~Matters considered by the zoning administrator or other officials:-~~
  - ~~1. Official determinations regarding compliance: \$219.00~~
  - ~~2. All other official determinations, including development rights: \$119.00~~
  - ~~3. Zoning clearance for a homestay: \$119.00~~
  - ~~4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: \$30.00~~
  - ~~5. Zoning clearance for temporary fundraising activity: No fee~~
  - ~~6. All other zoning clearances: \$59.00~~
  - ~~7. Sign permits under section 4.15.4A; no ARB review required: \$30.00, except for applications for temporary signs submitted under section 4.15.4A(c)(2)(b) or (c)(2)(c), for which there shall be no fee.~~
  - ~~8. Sign permits under section 4.15.4; ARB review required: \$142.00~~
  - ~~9. Letter of Map Change review: \$177.00 (topographic plan only); \$355.00 (topographic plan with floodplain model)~~
  - ~~10. Floodplain Impact Plan review: \$355.00~~
  - ~~11. Variation or exception under section 32.3.5 before approval of a final site plan: \$982.00~~
  - ~~12. Variation or exception under section 32.3.5 after approval of a final site plan: \$982.00~~
- g. ~~Groundwater assessments:-~~
  - ~~1. Tier 1 assessment under section 17-401: \$59.00~~
  - ~~2. Tier 3 assessment under section 17-403: \$603.00~~
  - ~~3. Tier 4 assessment under section 17-404: \$1,302.00~~
- h. ~~Miscellaneous:-~~
  - ~~1. Change in name of development or change in name of street: \$95.00~~
  - ~~2. Special exception: \$503.00~~

- ~~3. Tier II personal wireless service facilities: \$2,154.00-~~
- ~~4. Technology Surcharge: an additional 4% of each fee in subsections (a) through (h)(3) above.-~~

~~i. Required notice:-~~

~~1. Initial notice fee to be provided in conjunction with an application, for preparing and mailing notices and published notice: \$448.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.-~~

~~2. Fee for farmers' markets for published notice under section 35.1(b)(6): \$227.00.-~~

~~3. Fee for readvertisement and notification of public hearing after advertisement of a public hearing and a deferral is made at the applicant's request:-~~

~~a. Preparing and mailing or delivering up to 50 notices: \$237.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.-~~

~~b. Preparing and mailing or delivering, per notice more than 50: \$1.19 plus the actual cost of first class postage. No fee shall be required for applications submitted under section 30.7.6.-~~

~~c. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8), or applications submitted under section 30.7.6, for which there shall be no fee.-~~

(§ 35.1: Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7) , adopted 8-4-10, effective 1-1-11; Ord. 11-18(1) , 1-12-11; Ord. 11-18(7) , 6-1-11; Ord. 12-18(6) , 10-3-12, effective 1-1-13; Ord. 12-18(7) , 12-5-12, effective 4-1-13; Ord. 13-18(7) , 12-4-13, effective 1-1-14; Ord. 14-18(1) , 3-5-14; Ord. 14-18(2) , 3-5-14; Ord. 15-18(8) , adopted 10-14-15, effective 11-1-15; Ord. 16-18(4) , 4-6-16; Ord. 18-18(5) , 11-7-18; Ord 19-18(3), 6-5-19; Ord. 19-18(6) , 8-7-19; Ord. 21-18(2) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code §§ 15.2-2286 (A)(6), 15.2-2241 (9), 15.2-2243.1 .

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**~~Sec. 35.2 - Calculation of fees in special circumstances.~~**

~~In the special circumstances provided below, the fee required by section 35.1 shall be calculated as follows:~~

~~a. Simultaneous review of special use permit for outdoor display and sales and supporting initial site plan. The applicant shall pay the fee for the special use permit, but not the fee for the initial site plan for outdoor display and sales, which require simultaneous review of both the special use permit application and a supporting initial site plan.-~~

~~b. Multiple special use permits to establish a single use. If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for all of the special use permit applications.-~~

~~(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7-8-92; \* to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(3), 10-13-04; Ord. 04-18(4), adopted 12-8-04, effective 2-8-05; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 15-18(8), adopted 10-14-15, effective 11-1-15; Ord. 18-18(5), 11-7-18)~~

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~~**Sec. 35.3 – Mode and timing for paying fees.**~~

~~The fees required by sections 35.1 and 35.2 shall be paid as follows:~~

~~a. *Mode of payment.* Except as provided in section 35.1(d)(13), the fee shall be in the form of cash, a check payable to the "County of Albemarle," or by credit or debit card transaction.~~

~~b. *Timing of payment.* Except as provided in sections 33.20, 33.34, and 33.45, the applicant shall pay any applicable fees when the application is submitted. An application presented without the required fee shall not be deemed to be submitted and shall not be processed.~~

~~(Ord. 15-18(8), adopted 10-14-15, effective 11-1-15; Ord. 18-18(5), 11-7-18)~~

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~~**Sec. 35.4 – Fee refunds.**~~

~~a. *Payment in full.* If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.~~

~~b. *Partial refund.* If an applicant withdraws an application within 70 days after official submittal for review, the applicant shall receive a full refund of the initial notice fee.~~

~~(§ 18-35.3, Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; § 18-35.4, Ordinance 15-18(8), adopted 10-14-15, effective 11-1-15; Ord. 18-18(5), 11-7-18)~~

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~~**Sec. 35.5 – Pre-existing use fee waiver.**~~

~~If an applicant applies for a special use permit, the applicable fee shall be waived provided that the zoning administrator finds the following conditions are met:~~

~~a. The use applied for does not conform to the zoning prescribed for the district in which the use is situated;~~

~~b. A business license was issued by the county for the applied-for use; and~~

~~c. The holder of the business license has operated continuously in the same location for at least 15 years and has paid all real estate, business license, and personal property taxes related to the use.~~

~~(Ord. 17-18(4), 8-9-17; Ord. 18-18(5), 11-7-18)~~

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of \_\_\_\_ to \_\_\_\_, as recorded below, at a regular meeting held on\_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

|                     | <u>Aye</u> | <u>Nay</u> |
|---------------------|------------|------------|
| Mr. Andrews         | _____      | _____      |
| Mr. Gallaway        | _____      | _____      |
| Ms. LaPisto-Kirtley | _____      | _____      |
| Ms. Mallek          | _____      | _____      |
| Ms. McKeel          | _____      | _____      |
| Ms. Price           | _____      | _____      |