

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of January 10, 2018</p>		
		January 11, 2018
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 6:00 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner and Travis Morris. 		Link to video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that the food pantry at Yancey is now open and available for residents once a month. Announced that the Culpeper Soil and Water Conservation District is offering financial assistance to residents to assist with remedy and maintain Septic systems. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that Virginia Career Works is the new name for the State Workforce program. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Sandra Juarez</u>, Southwood Resident spoke towards Agenda item #10 Action Plan on Redevelopment of Southwood. <u>Thomas Sikes</u>, Earlysville resident, spoke towards current water conditions and the need for more water conservation. 		
<p>8.2 Ordinance to Amend County Code Chapter 1: General Provisions.</p> <ul style="list-style-type: none"> ADOPTED Ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office. (Attachment 1)</p>	
<p>8.3 Ringwood Farm Road Name Change.</p> <ul style="list-style-type: none"> ADOPTED adopt resolution approving changing the road name of Ringwood Farm to Nags Head Farm and AUTHORIZED staff to implement the change. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)</p> <p><u>Community Development:</u> Proceed as authorized.</p>	
<p>9. Process to Approve Pantops Master Plan Update.</p> <ul style="list-style-type: none"> By consensus, AFFIRMED the public participation process and list of focus areas as presented. 	<p><u>Elaine Echols:</u> Proceed as affirmed.</p>	
<p>10. Action Plan on Redevelopment of Southwood Mobile Home Park in Partnership with Habitat for Humanity.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED Phase 1 Action Plan. By a vote of 6:0, ADOPTED resolution to approve the performance agreement. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p> <p><u>County Attorney:</u> Provide clerk with fully executed copy of agreement.</p>	
<p>Recess.</p> <ul style="list-style-type: none"> At 7:25 p.m., the Board recessed and reconvened at 7:36 p.m. 		

11.	<u>Pb. Hrg.: SP201700017 Greenmont Hopworks.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution approving SP201700017 Greenmont Hopworks Processing Facility. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)	
12.	<u>Pb. Hrg.: ZTA 2017-08 Manufactured Homes.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Ordinance approving ZTA 2017-08. 	Clerk: Forward copy of signed Ordinance to Community Development and County Attorney's office. (Attachment 5)	
13.	<u>Pb. Hrg.: Ordinance to Authorize Monetary Bonus.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Ordinance. 	Clerk: Forward copy of signed Ordinance to Human Resources and County Attorney's office. (Attachment 6)	
14.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Spoke towards suggestions he received for ways to clean up county highways. Reported on the most recent Residential Impact Workgroup meeting. Announced that the Central Virginia Electric Cooperative will be making a presentation at the next Albemarle Broadband Authority meeting, being held on January 17 at the East Rivanna Vol. Fire Station. Commented on letter to the Mayor of Charlottesville dated January 8, and expressed his desire for clarification on the land use valuation request. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Informed the Board that she has received a response from VDoT regarding educational signage that will inform panhandlers on how to receive assistance. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Requested a list of appropriated money from the FY 17 positive variance fund. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Mentioned illegal dumping along county roads. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reminded citizens of good animal care during cold weather. Mentioned that some citizens do not have access to the required technology in order to receive assistance for job referrals. Mentioned the need to monitor the budget in the General Assembly regarding the State Natural Heritage funding becoming a line item budget through department of Conservation and Recreation. 	<p><u>OMB:</u> Provide list to the Board.</p>	
15.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 		
16.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> At 8:51 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (1), to: 		

<ol style="list-style-type: none"> 1. Discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointment; and 2. Discuss interviews with prospective candidates for the director of economic development position. <ul style="list-style-type: none"> • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: <ol style="list-style-type: none"> 1. Activities on a preservation tract in a rural preservation development; 2. Pending applications for communications facilities; and 3. A person's eligibility for County employment under federal law. 		
17. Certify Closed Meeting. <ul style="list-style-type: none"> • At 10:23 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
18. Boards and Commissions. <ol style="list-style-type: none"> a. Board Member Committee Appointments: <ul style="list-style-type: none"> • APPOINTED, Supervisors Norman Dill and Liz Palmer to the Solid Waste Alternatives Advisory Committee (SWAAC) with said terms to expire December 31, 2018. • APPOINTED, Supervisor Rick Randolph to the Thomas Jefferson Planning District Commission (TJPDC) Foundation Board with said term to expire December 31, 2019. • APPOINTED, Supervisor Ann Mallek to the Workforce Investment Board with said term to expire December 31, 2018. 		
<ol style="list-style-type: none"> b. Vacancies and Appointments: <ul style="list-style-type: none"> • REAPPOINTED, Mr. J. Timothy Keller as the At-large representative to the Planning Commission with said term to expire December 31, 2019. • REAPPOINTED, Mr. Bruce Dotson as the Rio District representative and Ms. Karen Firehock as the Samuel Miller District representative to the Planning Commission with said terms to expire December 31, 2021. • APPOINTED, Mr. Julian Bivins as the Jack Jouett District representative to the Planning Commission with said term to expire December 31, 2021. • APPOINTED, Mr. David Mitchell to the Public Recreational Facilities Authority (PRFA) with said term to expire December 13, 2018. 		
19. Adjourn to January 18, 2018, 2:00 p.m., Northrup Grumman, 1000 Research Park Blvd, Charlottesville, Virginia. <ul style="list-style-type: none"> • The meeting was adjourned at 10:26 p.m. 		

ckb/tom

Attachment 1 – Ordinance No. 18-1(1)

Attachment 2 – Resolution to Change the Name of Ringwood Farm to Nags Head Farm

Attachment 3 – Resolution to Approve the Performance Agreement between the County of Albemarle and
Habitat For Humanity for the Redevelopment of Southwood Mobile Home Park
Attachment 4 – Resolution to Approve SP 2017-17 Greenmont Hopworks Processing Facility
Attachment 5 – Ordinance No. 18-18(1)
Attachment 6 – Ordinance No. 18-A(1)

ORDINANCE NO. 18-1(1)

AN ORDINANCE TO AMEND CHAPTER 1, GENERAL PROVISIONS, 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 1, General Provisions, is hereby amended and reordained as follows:

By Amending, Renumbering, and Reorganizing:

Current:

Sec. 1-100	How Code designated and cited.
Sec. 1-101	Definitions and rules of construction.
Sec. 1-102	Provisions considered continuations of prior ordinances.
Sec. 1-103	Catchlines of sections.
Sec. 1-104	References to chapters, articles, divisions or sections.
Sec. 1-105	History notes.
Sec. 1-106	Editor's notes and reference notes.
Sec. 1-107	Code not to affect prior offenses or rights.
Sec. 1-108	Repeal of ordinance not to revive former ordinances.
Sec. 1-109	Ordinances not affected by Code.
Sec. 1-110	Conflicting provisions.
Sec. 1-111	Amendments to Code; effect of new ordinances; amendatory language.
Sec. 1-113	Acts by deputy or designee.
Sec. 1-114	Severability of parts of Code.
Sec. 1-115	General penalty; continuing violation; injunctive relief.
Sec. 1-116	Classes of misdemeanors; definition; punishments.
Sec. 1-117	Unlawful or prohibited acts include causing, permitting, concealing.
Sec. 1-118	Fines and costs.
Sec. 1-119	Additional court costs.
Sec. 1-120	Penalty for returned checks or other payment.

New:

Article 1. The Albemarle County Code

Sec. 1-100	How the Albemarle County Code is designated and cited.
Sec. 1-101	Definitions.
Sec. 1-102	Rules of construction.
Sec. 1-103	Provisions of the Code are considered continuations of prior ordinances.
Sec. 1-104	Severability of parts of the Code.

Article 2. Ordinances

Sec. 1-200	Adopting ordinances that amend the Code.
Sec. 1-201	Adopting ordinances that are not part of the Code.
Sec. 1-202	Repealing a Code section or ordinance does not revive a previously repealed Code section or ordinance.
Sec. 1-203	Ordinances and other matters not affected by the Code.

Article 3. Offenses, Penalties, and Costs

Sec. 1-300	The Code does not affect prior offenses or rights.
Sec. 1-301	Punishment when not otherwise specified; continuing violations; injunctive relief.
Sec. 1-302	Punishment when class of misdemeanor specified.
Sec. 1-303	Penalty for returned checks or other payment
Sec. 1-304	Unlawful or prohibited acts include causing, allowing, permitting, and other specified acts.
Sec. 1-305	Fines and costs.

Sec. 1-306 Fees taxed as additional costs.
Article IV. Acts by Officers and Employees

Sec. 1-400 Acts by deputies.

Sec. 1-401 Acts by officers or employees to whom powers and duties delegated.

By Repealing:

Sec. 1-112 Interpretation of section numbers.

Chapter 1. General Provisions

Article 1. The Albemarle County Code

Sec. 1-100 How the Albemarle County Code is designated and cited.

The ordinances codified in this chapter and in the following chapters and appendices compose, and may be formally cited as, the "Albemarle County Code of 1998," and may also be referred to as the "Albemarle County Code," the "County Code," and the "Code."

(Code 1967, § 1-1 Code 1975, Code 1988, § 1-1; Ord. No. 98-A(1), 8-5-98)

State law reference – Va. Code § 15.2-1433.

Sec. 1-101 Definitions.

The following definitions apply in the administration of the Code and any uncodified ordinance, unless the word or term is otherwise defined in another chapter of the Code or in the uncodified ordinance:

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

County. The term "County" means, in the appropriate context, the government known as the County of Albemarle, Virginia and which is a political subdivision of the Commonwealth, or the territory, including the airspace that is superjacent and subjacent, within its boundaries.

County Attorney. The term "County Attorney" means the County Attorney of the County of Albemarle, Virginia, or his duly authorized representative.

County Executive. The term "County Executive" means the County Executive of the County of Albemarle, Virginia, or his duly authorized representative.

Designee. The term "designee," when it follows the title of a county officer, means the authorized agent, employee, or representative of the officer.

Director of Finance. The term "Director of Finance" means the Director of Finance of the County of Albemarle, Virginia, and any of his duly authorized deputies, assistants, employees, or agents.

Following. The term "following" means that which goes immediately after.

Highway. The term "highway" means the entire width between the boundary lines of every way or place open to the use of the public for the purposes of vehicular, pedestrian, and other lawful modes of travel within the County.

Month. The term "month" means a calendar month unless otherwise provided.

Oath. The term "oath" means an oath required by law and in the form required by law, or an affirmation that may be substituted for an oath as provided by law.

Ordinance. The term “ordinance” means an ordinance adopted by the Board of Supervisors of the County of Albemarle, Virginia, and all amendments thereto.

Person. The term “person” means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

Personal property. The term “personal property” means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property that is not real property.

Preceding. The term “preceding” means that which goes immediately before.

Public place. The term “public place” means any public highway or street; any public stadium, athletic field, park, or playground; any public building or grounds appurtenant thereto; any public school building or grounds appurtenant thereto; any public parking lot; any public lands; and any places commonly open to the public including resorts, places of amusement, stadiums, athletic fields, parks, playgrounds, vacant lands, and the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.

Real property. The term “real property” means land, together with all improvements and other things attached to the land so as to become a part thereof.

Resolution. The term “resolution” means a resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, and all amendments thereto.

State. The term “State” means the Commonwealth of Virginia.

Street. The term “street” means the entire width between the boundary lines of every way or place open to the use of the public for the purposes of vehicular, pedestrian, and other lawful modes of travel within the County.

Virginia Code. The term “Virginia Code” means the Code of Virginia, 1950, as amended, including the latest edition or supplement unless otherwise indicated.

Year. The term “year” means a calendar year unless otherwise provided.

(Code 1967, § 1-2; Code 1975 § 1-2; Code 1988, § 1-2; Ord. No. 98-A(1), 8-5-98)

Sec. 1-102 Rules of construction.

The following rules of construction apply to the construction of the Code, unless the application of a rule would be contrary to the purposes of the Code or the context clearly indicates otherwise:

- A. *Catchlines of subsections.* The italicized catchlines of subsections within sections of the Code are intended as mere catchwords to indicate the contents of the subsection and are not part of the substance of the subsection.
- B. *Chapters, articles, divisions, sections, or subsections.* Any references to a chapter, article, division, section, or subsection of the Code is construed to be followed by the words “of the Albemarle County Code of 1998 unless otherwise provided.
- C. *Computation of time.* The manner in which to compute time is as follows:
 1. *Providing notice before a public hearing or other proceeding.* When notice is required to be given before a public hearing or other proceeding, the day on which the public hearing or other proceeding will be held is not counted against the time allowed, and the day on which notice is given may be counted against the time allowed.
 2. *Act to be performed after a decision or event.* When an act must be performed within a prescribed period of time after a decision or event, the day on which the decision or event occurred is not

counted against the time allowed.

3. *Effect of Saturday, Sunday, or legal holiday on time in which to perform an act.* When the Code requires, either by specification of a date or by a prescribed period of time, that an act be performed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the County office where the act to be performed is closed, the act may be performed on the next business day of the County that is not a Saturday, Sunday, legal holiday, or day on which the County office is closed. Any day on which the governor authorizes the closing of the State government shall be considered a legal holiday.
- D. *Conflicting provisions.* If any chapter, article, division, or section conflicts with another, the provisions of each chapter, article, division, or section shall control on all matters pertaining to the subject matter of that chapter, article, division, or section. If clearly conflicting provisions exist in different sections of the same chapter, the provisions of the section last enacted shall apply unless the construction is inconsistent with the meaning of that chapter.
- E. *Definitions within other chapters.* Any definition within a chapter shall apply only to that chapter unless otherwise provided.
- F. *Gender.* A word used in the masculine includes the feminine and the neuter.
- G. *Headlines of sections.* The bold-faced headlines of the sections of the Code are intended as mere catchwords to indicate the contents of the section and are not part of the substance of the section.
- H. *Including.* The word “including” is construed to be followed by the phrase “but not limited to.”
- I. *Interpretation of words and phrases, generally.* Words and phrases that are not defined in the Code shall be given their plain and natural meaning which is most appropriate in the context in which they are used; provided that technical words and phrases are presumed to be given their technical meaning and words and phrases having legal significance are presumed to be given their legal meaning.
- J. *May.* Depending on the context in which it is used, the term “may” is permissive or it is the grant of authority to act.
- K. *Notes following sections or subsections.* The legislative history notes and the State law references appearing after sections are not intended to have any legal effect but are merely intended to indicate the sources of the matter contained in the sections.
- L. *Number.* A word used in the singular includes the plural, and a word in the plural includes the singular.
- M. *Officers; employees; departments; boards; commissions; agencies.* Any reference to an officer, employee, department, board, commission, or agency is construed to be followed by the words “of the County of Albemarle, Virginia.”
- N. *Owner.* The term “owner,” when it is used in reference to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or a part of the building or land.
- O. *Shall.* The term “shall” is mandatory.
- P. *Signature.* A “signature” may be a mark when a person cannot write.
- Q. *Tense.* In the appropriate context, any word used in the past or present tense includes the future tense.
- R. *Written, writing, or in writing.* The terms “written,” “writing,” or “in writing” include any representation of words, letters, symbols, numbers, or figures, whether printed or inscribed on a tangible medium, or stored in an electronic or other medium and retrievable in a perceivable form.

Sec. 1-103 Provisions of the Code are considered continuations of prior ordinances.

The provisions of the Code, so far as they are in substance the same as the provisions of County ordinances or the Code of 1975 existing on the date of adoption of the Code, shall be considered to be continuations of those ordinances or Code provisions and not new enactments.

(Code 1967, § 1-3; Code 1975, § 1-3; Code 1988, § 1-3; Ord. No. 98-A(1), 8-5-98)

Sec. 1-104 Severability of parts of the Code.

It is the intention of the Board of Supervisors that any part of the Code is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any other part of the Code.

(Code 1967, § 1-5, Code 1975, § 1-5, Code 1988, § 1-5; § 1-114, Ord. 98-A(1), 8-5-98)

Article 2. Ordinances

Sec. 1-200 Adopting ordinances that amend the Code.

- A. *Amending the Code.* The Code may be amended by ordinances adopted by the Board of Supervisors that change the content, add new content, repeal existing content, or any combination thereof.
- B. *Form of an ordinance amending the Code.* An ordinance amending the Code shall comply with all applicable requirements for ordinances required by the Virginia Code, and clearly indicate the text being changed, added, or repealed by generally identifying the proposed changes in the title page or pages of the ordinance and by specifically identifying proposed changed or added text by underlining and identifying replaced or repealed text by strikethrough. An ordinance amending the Code shall also use the organization and numbering system used in the Code.
- C. *Form of the codified amendment.* An ordinance adopted by the Board of Supervisors in the form prescribed in this section shall be incorporated into the Code. Any portion of the Code that is repealed by an ordinance amending the Code shall be excluded from the Code.

(§ 1-111, Ord. 98-A(1), 8-5-98)

Sec. 1-201 Adopting ordinances that are not part of the Code.

The Board of Supervisors may adopt ordinances that are not part of the Code. These ordinances may be referred to as "uncodified ordinances." An uncodified ordinance may not amend the Code.

Sec. 1-202 Repealing a Code section or ordinance does not revive a previously repealed Code section or ordinance.

When an ordinance repeals a Code section or another County ordinance, and that repealing ordinance is itself repealed, the previously repealed Code section or ordinance is not revived.

(Ord. 98-A(1), 8-5-98)

Sec. 1-203 Ordinances and other matters not affected by the Code.

The Code and the ordinance adopting the Code do not affect the following when they are not in conflict with the Code:

- A. *Pending proceedings and rendered judgments.* Any prosecution, suit, or proceeding that is pending, or any judgment rendered, prior to the effective date of the Code.
- B. *Guarantees of money payment or authorizing the issuance of bonds.* Any ordinance or resolution promising or guaranteeing the payment of money or authorizing the issuance of any bonds of the County, any evidence of the County's indebtedness, or any contract or obligation assumed by the

County.

- C. *Tax levy.* Any annual tax levy of the County.
- D. *Right or franchise.* Any right or franchise conferred by ordinance or resolution on any person.
- E. *Purpose completed.* Any ordinance adopted for purposes that have been completed or accomplished.
- F. *Certain temporary and permanent ordinances.* Any ordinance which is temporary, although general in effect, or special, although permanent in effect.
- G. *Ordinances relating to compensation.* Any ordinance relating to the compensation of the county's officers or employees.
- H. *Ordinances relating to streets and other rights-of-way.* Any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements, or other rights-of-way in the County.
- I. *Ordinances relating to zoning map amendments.* Any ordinance relating to a zoning map amendment.
- J. *Ordinances establishing fees or charges that are not codified.* Any ordinance establishing fees or charges which are not set out in the Code.

Any ordinance or resolution identified in this section shall be on file in the office of the clerk for the Board of Supervisors.

(Ord. 98-A(1), 8-5-98)

Article 3. Offenses and Penalties

Sec. 1-300 The Code does not affect prior offenses or rights.

The Code and the ordinance adopting the Code do not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of the Code.

(Ord. 98-A(1), 8-5-98)

Sec. 1-301 Punishment when not otherwise specified; continuing violation; injunctive relief.

- A. *Punishment when not otherwise specified.* When the Code or any County ordinance declares an act or omission to be unlawful or prohibited and to be a misdemeanor, but does not specify the punishment, the maximum punishment shall be the punishment provided for a class 1 misdemeanor as provided in County Code § 1-302(A); provided that the punishment shall not exceed the punishment provided by the Virginia Code for a similar offense under State law.
- B. *Each day a separate violation.* Each day any violation of the Code or any County ordinance, or any order authorized to be issued by the Board or any County officer for which criminal punishment is authorized, continues shall constitute a separate violation, except where otherwise provided.
- C. *Injunctive relief.* The County, the Board of Supervisors, and any County officer authorized by law, may seek to enjoin the continuing violation of any provision of the Code or any County ordinance by bringing a proceeding for an injunction brought in any court of competent jurisdiction.

(Code 1967, § 1-6; Code 1975 § 1-6, Code 1988, § 1-6; Ord. 98-A(1), 8-5-98)

State law reference – Va. Code § 15.2-1429 (maximum penalty for violation of County ordinances); Va. Code § 15.2-1432 (authority to seek injunctive relief); Va. Code §§ 18.2-11 (penalties for misdemeanors where penalty not specified).

Sec. 1-302 Classes of misdemeanors; punishment.

The following punishments are authorized for conviction of a misdemeanor designated by the Code or any County ordinance when the misdemeanor class is specified:

- A. *Class 1 misdemeanors.* For class 1 misdemeanors, confinement in jail for not more than 12 months and a fine of not more than two thousand five hundred dollars (\$2,500), either or both.
- B. *Class 2 misdemeanors.* For class 2 misdemeanors, confinement in jail for not more than 6 months and a fine of not more than one thousand dollars (\$1,000), either or both.
- C. *Class 3 misdemeanors.* For class 3 misdemeanors, a fine of not more than five hundred dollars (\$500).
- D. *Class 4 misdemeanors.* For class 4 misdemeanors, a fine of not more than two hundred fifty dollars (\$250).

(Ord. 98-A(1), 8-5-98)

State law reference—Va. Code § 18.2-11.

Sec. 1-303 Penalty for returned checks or other payment.

If any check or other means of payment tendered to the County in the course of its duties is not paid by the financial institution on which it is drawn, because of insufficient funds in the account of the drawer, no account is in the name of the drawer, or the account of the drawer is closed, and the check or other means of payment is returned to the named payee unpaid, the amount thereof shall be charged to the person on whose account it was received, and his liability and that of his sureties, shall be as if he had never offered any such payment. A penalty of thirty-five dollars (\$35) shall be added to the amount. This penalty shall be in addition to any other penalty provided by law, except the penalty imposed by County Code § 15-103 shall not apply.

(Ord. No. 97-1(1), 2-12-97; Code 1988, § 1-9; Ord. 98-A(1), 8-5-98; Ord. 07-1(2), 10-3-07, effective 1-1-08)

State law reference—Va. Code § 2.2-614.1(C).

Sec. 1-304 Unlawful or prohibited acts include causing, allowing, permitting, and other specified acts.

When the Code declares an act or omission to be unlawful or prohibited, the unlawful or prohibited act includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of the act or omission.

(Ord. 98-A(1), 8-5-98)

Sec. 1-305 Fines and costs.

- A. *Fines tendered to Director of Finance.* All fines collected for violations of any provision of the Code or any County ordinance shall be tendered by the clerk of the circuit court to the Director of Finance, who shall credit the tendered fines to the County general fund.
- B. *Costs.* Costs shall be taxed in prosecutions under the Code in the same amounts and in the same manner as prescribed by the Virginia Code in misdemeanor cases.

(Code 1967, § 1-7, Code 1975, § 1-7, Code 1988, § 1-7; Ord. 98-A(1), 8-5-98)

State law reference—Va. Code § 16.1-69.48 (fines paid to County generally); Va. Code § 46.2-1308 (fines paid to County in traffic cases).

Sec. 1-306 Fees taxed as additional court costs.

- A. *Fee supporting court and jail facilities.* A fee of two dollars (\$2) shall be taxed as additional costs in each criminal, traffic, or civil case in the respective district or circuit courts of the County for the purpose of providing for the maintenance, construction, or renovation of the courthouse, jail, or court-related facilities located in and serving the County and to defray increases in the costs of cooling, heating, and electricity in these facilities. The Director of Finance shall segregate the fees collected pursuant to this section for the purposes stated above.
- B. *Fee supporting courthouse security.* A fee of ten dollars (\$10) shall be taxed as additional costs in each criminal or traffic case in the respective district or circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the Director of Finance, and held by the Director of Finance subject to appropriation by the Board of Supervisors to the sheriff's office for funding courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.
- C. *Fee supporting processing arrested persons into regional jail.* A fee of twenty-five dollars (\$25) shall be taxed as additional costs in each criminal case in the respective district or circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance and is processed for admission into the regional jail as a result of the conviction. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the Director of Finance, and held by the Director of Finance subject to appropriation by the Board of Supervisors to the sheriff's office for funding its costs to process arrested persons into the regional jail.
- D. *Fee supporting electronic summons system.* A fee of five dollars (\$5) shall be taxed as additional costs in each criminal or traffic case in the respective district or circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the Director of Finance, and held by the Director of Finance subject to appropriation by the Board of Supervisors to the appropriate law enforcement agency or agencies for funding software, hardware, and associated equipment costs for implementing and maintaining an electronic summons system.

(Ord. of 8-8-90; Ord. of 8-5-92, Code 1975, § 1-8, 6-17-89; Code 1988, § 1-8 Ord. 98-A(1), 8-5-98; Ord. 02-1(1), 6-5-02; Ord. 07-1(1), adopted 6-6-07, effective 7-1-07; Ord. 17-1(1), 8-2-17)

State law reference--Va. Code §§ 17.1-281, 53.1-120, 15.2-1613.1, 17.1-279.1.

Article 4. Acts by Officers and Employees

Sec. 1-400 Acts by deputies.

Any person appointed and classified as a deputy is authorized to act as a substitute for his department head, in the name of the department head and in his behalf, in matters in which the department head may act.

(Ord. 98-A(1), 8-5-98)

State law reference—Va. Code § 15.2-1502(B).

Sec. 1-401 Acts by officers or employees to whom powers and duties delegated.

A department head or his deputy may delegate, to a person reporting to him, his powers and duties unless it is a power or duty that is expressly forbidden by law to be delegated or requires the exercise of judgment for the public welfare. A delegation does not relieve the officer making the delegation of his legal obligations for the exercise of powers and the performance of duties of his office.

State law reference—Va. Code § 15.2-1502(D).

**RESOLUTION TO CHANGE THE NAME OF
RINGWOOD FARM TO NAGS HEAD FARM**

WHEREAS, Virginia Code § 15.2-2019 enables the County to rename any road at any time; and

WHEREAS, the County's Road Naming and Property Numbering Ordinance and Manual establish policies and guidelines for naming roads; and

WHEREAS, the County's Road Naming and Property Numbering Ordinance and Manual provide that a road can be renamed with the approval of a majority of the property owners served by the road; and

WHEREAS, the landowner of all of the properties served by Ringwood Farm has submitted a request to change the road name of Ringwood Farm to Nags Head Farm, and the above-referenced requirement has been met.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby changes the name of Ringwood Farm to Nags Head Farm, and directs the Board Clerk to forward a certified copy of this Resolution to the Albemarle County Circuit Court Clerk pursuant to Virginia Code § 15.2-2019, and directs staff to implement the change.

**RESOLUTION TO APPROVE THE PERFORMANCE AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND HABITAT FOR HUMANITY FOR THE
REDEVELOPMENT OF SOUTHWOOD MOBILE HOME PARK**

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County to enter into a Performance Agreement with Habitat for Humanity regarding the redevelopment of the Southwood Mobile Home Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Performance Agreement with Habitat for Humanity and authorizes the County Executive to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

**RESOLUTION TO APPROVE
SP 2017-17 GREENMONT HOPWORKS PROCESSING FACILITY**

WHEREAS, the Owners of Tax Map Parcel 12100-00-00-09200 filed an application to construct a hops-processing facility, including a 10,000-square foot structure, and the application is identified as Special Use Permit 2017-00017 Greenmont Hopworks Processing Facility ("SP 2017-17"); and

WHEREAS, on December 19, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-17 with conditions; and

WHEREAS, on January 10, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-17.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-17 and all of its attachments, the information presented at the public hearing, and the factors relevant to the use in Albemarle County Code § 18-10.2.2.23 and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-17, subject to the conditions attached hereto.

* * * * *

SP-2017-00017 Greenmont Hopworks Processing Facility Conditions

1. Development and use shall be in general accord with the conceptual plan titled "Special Use Concept Plan for Greenmont Hopworks," prepared by Shimp Engineering, and dated 11/22/2017 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - All uses associated with the Special Use Permit are conducted within the boundary of the Conceptual Plan labeled "Limits of SP"
 - All trees located within the area of the Conceptual Plan labeled as "Wooded Area to Remain" shall remain undisturbed unless approval for removal is obtained from the Zoning Administrator.

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The agricultural-processing operation shall be contained within a single structure whose footprint shall not exceed 10,000 square feet.
3. The agricultural-processing structure shall be located at least 500 feet from the Route 20 Entrance Corridor.
4. Agricultural processing activities shall be contained within the agricultural-processing structure between 7:00 p.m. and 7:00 a.m.
5. Refrigerated storage of agricultural goods shall only occur within the agricultural-processing structure.
6. All outdoor lighting shall be only full cut off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.
7. If the use, structure, or activity for which this special use permit is issued is not commenced by January 10, 2020, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

ORDINANCE NO. 18-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE IV, PROCEDURES, 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, Procedures, are hereby amended and reordained as follows:

By Amending:

- Sec. 3.1 Definitions
- Sec. 5.3 Manufactured Home Parks
- Sec. 5.3.1 Minimum Size Manufactured Home Parks
- Sec. 5.3.2 Maximum Density
- Sec. 5.3.3 Minimum Lot Sizes
- Sec. 5.3.4 Location of Manufactured Homes
- Sec. 5.3.5 Setbacks and Yards
- Sec. 5.3.6 Application Plan Required
- Sec. 5.3.7 Improvements Required –Manufactured Home Lots
 - a. Utilities
 - b. Markers for Manufactured Home Lots
 - c. Outdoor Living and Storage Areas
 - d. Additions to Manufactured Homes
 - e. Installation of Manufactured Homes
- Sec. 5.3.8 Improvements Required –Manufactured Home Park
 - a. Off-Street Parking
 - b. Internal Streets
 - c. Recreational Requirements
 - d. Pedestrian Access
 - e. Service Areas and Accessory Uses
 - f. Lighting
 - g. Landscaping and Screening
- Sec. 5.5 Manufactured Home Subdivisions
- Sec. 5.5.1 Purpose
- Sec. 5.5.2 Application
- Sec. 5.5.3 Special Use Permit Required
- Sec. 5.5.4 Minimum Size of Manufactured Home Subdivision
- Sec. 5.5.5 Subdivision Control
- Sec. 5.5.6 Application Plan Required
- Sec. 5.6 Manufactured Homes on Individual Lots
- Sec. 5.7 Temporary Manufactured Home Permit
- Sec. 5.7.1 Expiration, Renewal
- Sec. 5.8 Temporary Industrialized Building
- Sec. 10.2.1 By Right
- Sec. 10.2.2 By Special Use Permit
- Sec. 11.3.1 By Right
- Sec. 12.2.1 By Right
- Sec. 12.2.2 By Special Use Permit
- Sec. 12.4.3 Low and Moderate Cost Housing
- Sec. 13.2.2 By Special Use Permit
- Sec. 14.2.2 By Special Use Permit
- Sec. 15.2.2 By Special Use Permit
- Sec. 16.2.2 By Special Use Permit
- Sec. 17.2.2 By Special Use Permit
- Sec. 18.2.2 By Special Use Permit
- Sec. 22.2.1 By Right

Sec. 24.2.1	By Right
Sec. 26.2	Permitted Primary and Accessory Uses and Structures; Prohibited Uses and Structures
Sec. 30.6.5	Development Exempt from Requirement to Obtain Certificate of Appropriateness

Chapter 18. Zoning

Article I. General Provisions

3.1 Definitions

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Manufactured home: A structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (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. (Added 10-3-01)

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Manufactured home lot: An area of land for the placement of a single manufactured home and for the exclusive use of its occupants.

Manufactured home park: One (1) or more contiguous parcels of land in which three (3) or more rental lots are provided for manufactured homes. (Amended 3- 5-86)

Manufactured home subdivision: A subdivision of land for the purpose of providing lots for sale for manufactured homes.

...

Travel trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this ordinance, a travel trailer shall not be deemed a manufactured home.

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Article II. Basic Regulations

Section 5. Supplementary Regulations

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Sec. 5.3 Manufactured home parks.

Sec. 5.3.1 Minimum size manufactured home parks.

A manufactured home park shall consist of five (5) or more contiguous acres.

Sec. 5.3.2 Maximum density.

A manufactured home park shall conform to the maximum gross density requirements of the district in which it is located.

Sec. 5.3.3 Minimum lot sizes.

Each manufactured home lot shall comply with the following area and width requirements:

- a. Manufactured home lots shall consist of at least four thousand five hundred (4,500) square feet, and shall have a width of at least forty-five (45) feet.
- b. Manufactured home lots served by either a central water or central sewerage system shall consist of at least forty thousand (40,000) square feet, and shall have a width of at least one hundred (100) feet.
- c. Manufactured home lots served by neither a central water supply nor a central sewerage system shall consist of at least sixty thousand (60,000) square feet and shall have a width of at least one hundred thirty (130) feet.

Sec. 5.3.4 Location of manufactured homes.

- a. Each manufactured home shall be located on a manufactured home lot. The lot shall provide space for outdoor living and storage areas and may provide space for a parking area.
- b. Each manufactured home lot shall front on an internal street.
- c. No manufactured home shall be located closer than fifty (50) feet from any service or recreational structure intended to be used by more than one (1) manufactured home.
- d. The minimum distance between manufactured homes shall be thirty (30) feet. The Albemarle County Fire Marshal may require additional space between manufactured homes if public water is not available or is inadequate for fire protection.

Sec. 5.3.5 Setbacks and yards.

- a. Manufactured homes and other structures shall be set back at least fifty (50) feet from the right-of-way of an existing public street.
- b. Manufactured homes and other structures shall be set back at least fifty (50) feet from the manufactured home park property line when it is adjacent to a residential or rural areas district.
- c. Manufactured homes and other structures shall be set back at least fifteen (15) feet from the right-of-way of internal private streets, common walkways and common recreational or service areas. This distance may be increased to twenty-five (25) feet for manufactured homes or structures at roadway intersections and along internal public streets.
- d. Manufactured homes and other structures shall be set back at least six (6) feet from any manufactured home space lot line.

Sec. 5.3.6 Application plan required.

An application plan shall be submitted as part of the application for a manufactured home park. The plan shall be reviewed by the site review committee, but shall be considered an initial site plan. Following approval of the special use permit, and prior to the issuance of a building permit or any clearing of the site, a final site plan shall be approved. The final site plan shall contain all the information required on the application plan in addition to all the information required in section 32.

The application plan shall contain the following information at a scale of one (1) inch equals forty (40) feet or larger:

- a. Location of the parcel by a vicinity map, and landmarks sufficient to identify the location of the property;
- b. An accurate boundary survey of the tract;
- c. Existing roads, easements and utilities; watercourses and their names; owners, zoning and present use of abutting lots, and location of residential structures on abutting lots;
- d. Location, type and size of ingress and egress to the manufactured home park;

- e. Existing and proposed topography accurately shown with a maximum contour interval of five (5) feet; areas shown with slopes of twenty-five (25) percent or greater;
- f. Flood plain limits;
- g. Proposed general road alignments and rights-of-way; general water, sewer and storm drainage layout; general landscape plan; common area with recreational facilities and walkways; service areas; common trash container locations; parking areas; a typical lot detail showing the manufactured home stand, outdoor living and storage areas, parking area, setbacks and utility connections; and any other information necessary to show that these requirements can be met.

Sec. 5.3.7 Improvements required – manufactured home lots.

- a. *Utilities.* Each manufactured home lot shall be provided with an individual connection to an approved sanitary sewage disposal system and an individual connection to an approved central water supply or other potable water supply.

Each manufactured home lot shall be provided with electrical service installed in accordance with the National Electrical Code.

- b. *Markers for manufactured home lots.* Each manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan.
- c. *Outdoor living and storage areas.* An outdoor living area shall be provided on each manufactured home lot. At least one hundred (100) square feet shall be hard surfaced.

Storage buildings not to exceed one hundred fifty (150) square feet shall be permitted in a designated area on each lot. Additional storage facilities may be provided in common areas.

- d. *Additions to manufactured homes.* Additions to manufactured homes are permitted, subject to the following conditions:
 - 1. Albemarle County Building Official approval;
 - 2. Applicable setbacks are met;
 - 3. Total roof area lot coverage shall not exceed forty (40) percent of the manufactured home lot.
- e. *Installation of manufactured homes.* Installation of manufactured homes shall comply with the requirements of the Building Code.

Skirting shall be provided around the manufactured home from ground level to the base of the manufactured home within sixty (60) days of the issuance of a certificate of occupancy.

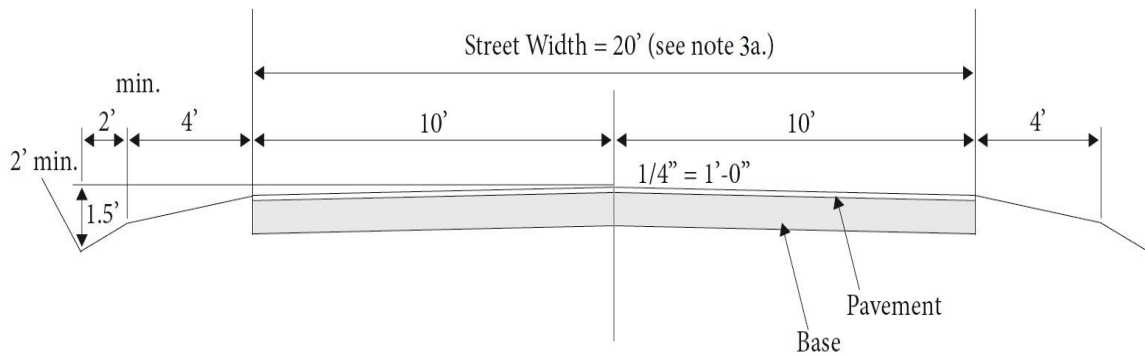
Sec. 5.3.8 Improvements required – manufactured home park.

- a. *Off-street parking.* Off-street parking for manufactured homes, recreational uses and service areas shall be provided in accordance with section 4.12 of this ordinance. Parking for manufactured homes may be provided on individual lots, or in convenient bays, in accordance with section 4.12.16. Additional parking area for recreational vehicles shall be provided in a common area at a rate of one (1) space per ten (10) units.
- b. *Internal Street.* A minimum right-of-way width of forty (40) feet shall be established on internal private streets for the purpose of measuring setbacks. The right-of-way shall be maintained clear of all obstructions.

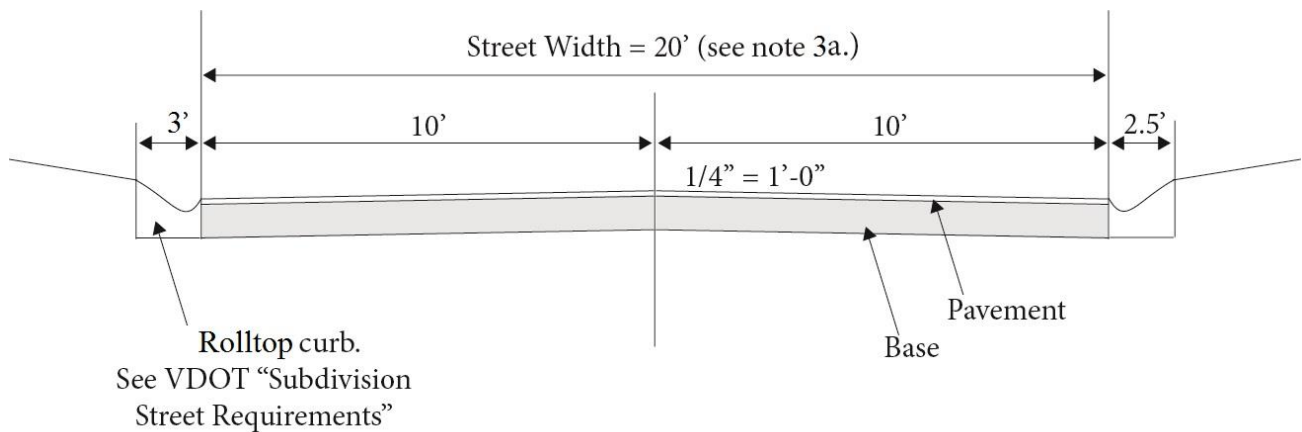
Internal private streets shall be constructed to the following minimum standards:

- 1. Minimum typical section for access, entrance, or other connecting streets that do not abut manufactured home sites and for streets that do abut manufactured home sites where the lot

frontage (measured at the manufactured home setback line) is an average of eighty-five (85) feet or greater.



2. Minimum typical section for all park streets that abut manufactured home sites where the lot frontage (measured at the manufactured home setback line) is an average of less than eighty-five (85) feet.



3. General Design Notes:

- (a.) Streets with no on-street parking serving up to fifty (50) manufactured home sites shall have a minimum width of twenty (20) feet. Streets with no on-street parking serving more than fifty (50) manufactured home sites shall have a minimum width of twenty-four (24) feet. Streets with on-street parking shall have a minimum clear width of at least twenty-two (22) feet, excluding parking space requirements.
- (b.) Pavement shall be prime and double seal bituminous surface treatment. Base shall be six inches of 21A or 21B aggregate base.
- (c.) Maximum longitudinal street grade is ten (10) percent.
- (d.) Minimum vertical stopping sight distance is one hundred (100) feet.
- (e.) Minimum horizontal centerline curve radius is two hundred and fifty (250) feet.
- (f.) Cul-de-sacs shall have a minimum radius of forty-five (45) feet measured to the edge of pavement.
- (g.) Minimum radius of edge of pavement at intersections is twenty-five (25) feet.

- (h.) Roadside ditches shall be designed to contain the ten-year storm below the shoulder using Mannings "n" of 0.06 if lined with grass, or 0.015 if lined with concrete. Ditches may be grassed if the flow from the two-year storm does not exceed three feet per second for a Mannings "n" of 0.03. If the three foot per second velocity is exceeded, the ditches shall be paved with class A-3 concrete, four inches thick, to the depth of the ten-year storm. When the depth of the required roadside ditch (measured from the shoulder to the invert) exceeds 2.5 feet, the flow shall be piped in a storm sewer system.
 - (i.) Driveway entrance culverts and culverts crossing streets shall be designed to contain the ten-year storm below the road shoulder using the appropriate Virginia Department of Transportation (VDOT) nomographs. When paved ditches are smoothly transitioned into the culverts, the culverts may be sized using Mannings formular. All culverts shall be concrete. Erosion control protection (VDOT standard EC-1) shall be placed at culverts when the outlet velocity exceeds five feet per second. Driveway culverts shall be a minimum of 12 feet long.
 - (j.) Driveways shall be paved the same as streets to the right-of-way line. Aggregate base may be four inches thick.
 - (k.) Curb drop inlets shall be placed along the tangent portions of the street or at the points of curve at intersections. Curb drop inlets shall be sized and located to prevent overtopping of the curb during the ten-year storm. Curb drop inlets shall be VDOT DI-3A, 3B, or 3C with a type "A" nose.
 - (l.) Storm sewers shall be designed in accordance with VDOT criteria.
 - (m.) All construction and materials shall be in accordance with current VDOT road and bridge standards and specifications.
- c. *Recreation requirements.* See section 4.16.
 - d. *Pedestrian access.* The requirements of section 32.7.2.3 shall be met. (Amended 10-3-01)
 - e. *Service areas and accessory uses.* Centrally located service buildings may provide common laundry facilities, office space for management and accessory uses as are customarily incidental to the operation and maintenance of a manufactured home park. Consolidation of the service building and indoor recreational facilities is permitted. Other uses may be established in accordance with the regulations of the district in which the park is located.
 - f. *Lighting.* All proposed exterior lighting shall be shown. Lighting shall be directed away from manufactured homes, adjacent properties and roadways in a manner approved by the Zoning Administrator.
 - g. *Landscaping and screening.* The requirements of section 32.7.9 shall be met. In addition, screening may be required in accordance with section 32.7.9.7 around the entire perimeter of the park, or part thereof, except where adequate vegetation already exists and a conservation plan has been submitted in accordance with section 32.7.9.4(b). (Amended 10-3-01)
- (d: § 5.3.8.4, 12-10-80; Ord. 01-18(6), 10-3-01) (g: § 5.3.8.7, 12-10-80; Ord. 01-18(6), 10-3-01)

Sec. 5.4 (Repealed 3-5-86)

Sec. 5.5 Manufactured home subdivisions.

Sec. 5.5.1 Purpose.

This provision is designed primarily to benefit those who wish to acquire ownership or equity in a lot and occupy the premises themselves, but who may find it undesirable or difficult to construct a conventional single-family dwelling. Conventional single-family dwellings may be built in manufactured home subdivisions and owners of manufactured homes in these subdivisions may convert their residences from manufactured homes to single-family dwellings.

Sec. 5.5.2 Application.

These regulations shall supplement and be in addition to the regulations of the district in which any such subdivision shall be located, except that no regulation which is by its nature inapplicable to manufactured homes shall apply to manufactured homes.

Sec. 5.5.3 Special use permit required.

A manufactured home subdivision may be established by the Board of Supervisors by special use permit.

Sec. 5.5.4 Minimum size of manufactured home subdivision.

A manufactured home subdivision shall have at least ten (10) lots.

Sec. 5.5.5 Subdivision control.

All manufactured home subdivisions shall conform to the requirements of County Code Chapters 14 and 17.

Sec. 5.5.6 Application plan required.

A preliminary subdivision plat shall be submitted as part of the application for a manufactured home subdivision, and shall be reviewed by the site review committee. Following approval of the special use permit, and prior to the issuance of a building permit or any clearing of the site, a final plat shall be approved. (Added 3-5-86)

Sec. 5.6 Manufactured homes on individual lots (Amended 3-5-86; 11-11-92)

The County, in an effort to provide for affordable housing for all residents, permits manufactured homes to be situated on individual lots in certain districts. The following regulations shall apply:

- a. The manufactured home shall be located on a foundation approved pursuant to the Building Code;
- b. The manufactured home shall only be used as a primary residence.

Sec. 5.7 Temporary manufactured home permit.

The Zoning Administrator may issue a temporary manufactured home permit if the manufactured home is used only as interim housing during construction of a permanent dwelling. The manufactured home shall be removed within thirty (30) days after issuance of a certificate of occupancy for the permanent dwelling. Temporary manufactured home permits shall be subject to the following conditions:

- a. Albemarle County Building Official approval;
- b. The applicant and/or owner of the subject property shall certify the intended use of the manufactured home;
- c. Minimum frontage setback and side and rear yard setbacks shall be determined by the Zoning Administrator;
- d. Provision of potable water supply and sewerage facilities to the reasonable satisfaction of the Virginia Department of Health.

Sec. 5.7.1 Expiration, renewal.

Any temporary manufactured home permit ("permit") issued pursuant to section 5.7 shall expire eighteen (18) months after the date of issuance unless construction has commenced and is thereafter prosecuted in good faith. The Zoning Administrator may revoke any permit after ten (10) days written notice, at any time upon a finding that construction activities have been suspended for an unreasonable time or in bad faith. In any event, any such permit shall expire three (3) years from the date of issuance; provided,

however, that the Zoning Administrator may, for good cause shown, extend the duration of the permit beyond three (3) years for up to two (2) successive periods of one (1) year each. (Amended 6-3-81)

Sec. 5.8 Temporary industrialized building.

A temporary industrialized building may be authorized by a zoning clearance issued by the Zoning Administrator provided the industrialized building is necessary to provide additional space for employees, students or other people as an activity area, and further provided that the building is not primarily used for storage. A temporary industrialized building also shall be subject to the following: (Amended 12-5-90, 8-9-17)

- a. *Site plan.* Before a building permit is issued for the temporary industrial building, the owner shall obtain approval of a site plan; (Amended 12-5-90)
- b. *Statement from site owner.* Before the Zoning Administrator issues a zoning clearance for the temporary industrialized building, the applicant and/or owner of the site shall submit a written statement to the Zoning Administrator explaining the purpose for the temporary industrialized building, the activities to be conducted therein, and the duration that the temporary industrialized building will be located on site;
- c. *Location.* A temporary industrialized building shall be located on the same site as the existing primary use for which additional space is needed;
- d. *Conditions.* In granting a zoning clearance for a temporary industrialized building, the Zoning Administrator may impose reasonable conditions to address any impacts arising therefrom, including but not limited to, conditions limiting the duration that the temporary industrialized building will be located on the site and requiring landscaping to screen the building from abutting properties and public rights-of-way;
- e. *Skirting.* Skirting shall be provided from the ground level to the base of the temporary industrialized building within sixty (60) days after the certificate of occupancy is issued;
- f. *Duration and extension.* No temporary industrialized building shall remain on the site for more than three (3) years after obtaining the zoning clearance; provided that the Zoning Administrator may extend the duration of the zoning clearance beyond three (3) years for up to two (2) successive periods of one (1) year each upon the owner demonstrating to the Zoning Administrator's satisfaction either: (i) expansion of the primary structure has commenced and its completion is being diligently pursued; or (ii) other good cause. If the permanent structure serving the primary use is thereafter expanded at any time while the temporary industrialized building is on the site, the temporary industrialized building shall be removed within thirty (30) days after the issuance of a certificate of occupancy for the permanent structure;
- g. *Revocation of authorization.* The Zoning Administrator may revoke the zoning clearance for the temporary industrialized building after ten (10) days written notice, at any time upon a finding that construction activities have been suspended for an unreasonable time or in bad faith.

(§ 5.8, 12-10-80; 3-5-86; 12-5-90; Ord. 17-18(4), 8-9-17)

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Section 10. Rural Areas District, RA

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Sec. 10.2.1 By right.

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15. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):

- a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.

- b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.

16. Temporary manufactured home in accordance with section 5.7.

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19. Manufactured homes on individual lots (reference 5.6).

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Sec. 10.2.2 By special use permit.

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9. Manufactured home subdivisions (reference 5.5)

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Section 11. Monticello Historic District, MHD

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Sec. 11.3.1 By right.

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18. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):

- a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.
- b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.

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Section 12. Village Residential - VR

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Sec. 12.2.1 By right.

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14. Manufactured homes on individual lots (reference 5.6) (Added 11-11- 92)

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Sec. 12.2.2 By special use permit.

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9. Manufactured home subdivisions (reference 5.5).

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Sec. 12.4.3 Low and moderate cost housing.

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- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as low or moderate cost housing under the Housing and Urban Development Section 8 program; (Added 3-5-86)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer shall enter into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of five (5) years; (Added 3-5-86)

- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer shall restrict the use of the lots to manufactured homes or other low or moderate cost housing for a period of five (5) years. (Added 3-5-86)

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Section 13. Residential - R-1

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Sec. 13.2.2 By special use permit.

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8. Manufactured home subdivisions (reference 5.5).

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Section 14. Residential - R-2

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Sec. 14.2.2 By special use permit.

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8. Manufactured home subdivisions (reference 5.5).

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Section 15. Residential - R-4

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Sec. 15.2.2 By special use permit.

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8. Manufactured home subdivisions (reference 5.5).

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14. Manufactured home parks (reference 5.3). (Added 3-5-86)

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Section 16. Residential - R-6

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Sec. 16.2.2 By special use permit.

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8. Manufactured home subdivisions (reference 5.5).

...

14. Manufactured home parks (reference 5.3). (Added 3-5-86)

...

Section 17. Residential - R-10

...

Sec. 17.2.2 By special use permit.

...

8. Manufactured home subdivisions (reference 5.5).

...

17. Manufactured home parks (reference 5.3). (Added 3-5-86)

...

Section 18. Residential - R-15

...

Sec. 18.2.2 By special use permit.

...

8. Manufactured home subdivisions (reference 5.5).

...

17. Manufactured home parks (reference 5.3). (Added 3-5-86)

...

Section 22. Commercial– C-1

...

Sec. 22.2.1 By right.

...

b. The following services and public establishments:

...

23. Temporary industrialized buildings (reference 5.8).

...

Section 24. Highway Commercial – HC

...

Sec. 24.2.1 By right.

23. Manufactured home and trailer sales and service.

...

40. Temporary industrialized buildings (reference 5.8).

...

Section 26. Industrial Districts - Generally

...

Sec. 26.2 Permitted primary and accessory uses and structures; prohibited uses and structures.

...

Temporary Uses**				
Temporary construction headquarters (reference 5.1.18).	BR	BR	BR	BR
Temporary construction storage yards (reference 5.1.18).	BR	BR	BR	BR
Temporary events sponsored by local nonprofit organizations (reference 5.1.27).	SP	SP	SP	SP
Temporary industrialized buildings (reference 5.8).	BR	BR	BR	BR

...

Section 30. Overlay Districts

. . .

Sec. 30.6.5 Development exempt from requirement to obtain certificate of appropriateness.

. . .

The following development is exempt from the requirements of section 30.6:

- a. Primary and accessory dwelling units if no site plan is required by this chapter.
- b. Structures for agricultural or forestal uses if no site plan is required by this chapter.
- c. Temporary construction headquarters (section 5.1.18(a)), temporary construction yards (section 5.1.18(b)), and temporary industrialized buildings (section 5.7).

ORDINANCE NO. 18-A(1)

AN ORDINANCE TO AUTHORIZE THE PAYMENT OF A MONETARY BONUS TO THE DEPUTY COUNTY EXECUTIVE FOR HIS SERVICE AS INTERIM COUNTY EXECUTIVE

WHEREAS, Douglas C. Walker, Deputy County Executive, served as Interim County Executive for the County of Albemarle from February 1, 2017 until October 29, 2017.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that, pursuant to the authority in Virginia Code § 15.2-1508, the payment of a monetary bonus in the amount of \$25,000.00 to Douglas C. Walker is authorized for his service as Interim County Executive.