

ACTIONS
Board of Supervisors Meeting of March 14, 2018

March 15, 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 6:02 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
<p>4. Adoption of Final Agenda.</p> <p><u>Ann Mallek:</u></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 McIntire Recycling Center will be closed from March 19-23, 2018. Mentioned she will be a guest of the North Garden Ruritan at the North Garden Fire House on April 5 at 7:00 p.m. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Mentioned that he and Diantha held a town hall at CATEC on March 13, 2018. Announced that he will hold a town hall on March 22 at 7pm at Woodbrook Elementary School. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Announced that the 5th & Avon Community Advisory Committee will be meeting on March 15, 2018, in Southwood regarding Phase 1 of Southwood. Mentioned he spoke at the Charlottesville Business Exchange. Mentioned that he addressed the Scottsville Town Council on March 14, 2018 and that the number one issue of interest was recycling. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Mentioned that the ACE Committee is working on improving the easement program. Announced that she will be holding town halls on March 17, 2018, in Earlysville at the Broadus Wood Elementary School at 7:00 p.m. and on March 24, 2018, at the White Hall Community Building at 10:00 a.m. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Micah More</u>, spoke in appreciation the work done by his grandfather, Mac Lafferty. 		
<p>8.2 FY 2018 Appropriation.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriation #2018076 for local government and school division projects. 	<p><u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)</p>	
<p>8.3 Ordinance to Amend County Code Chapter 2, Administration.</p> <ul style="list-style-type: none"> SET public hearing for April 11, 2018. 	<p><u>Clerk:</u> Schedule on agenda and advertise in Daily Progress.</p>	

8.4 Ordinance to Amend County Code Chapter 3, Agricultural and Forestal Districts. <ul style="list-style-type: none"> • SCHEDULED work session for April 11, 2018. 	<u>Clerk:</u> Schedule on agenda.	
8.5 Rio 29 Small Area Plan –Neighborhood Model District (NMD) Priority Review Process. <ul style="list-style-type: none"> • Pulled from consent agenda. 		
8.6 Resolution of Intent to Amend the Zoning Ordinance to Allow Beekeeping in Residential Zoning Districts. <ul style="list-style-type: none"> • ADOPTED Resolution of Intent. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 2)	
8.7 Request for Special Exception to Parking Setback for Farm Sales under Section 5.1.58(h) 3 of the Zoning Ordinance. <ul style="list-style-type: none"> • ADOPTED resolution to approve the special exception. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 3)	
8.5 Rio 29 Small Area Plan –Neighborhood Model District (NMD) Priority Review Process. <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the priority review process for NMD applicants in the Rio 29 Area. 	<u>Rachel Falkenstein:</u> Proceed as approved. (Attachment 4)	
9. <u>Pb. Hrg.: SP201700024 - By Word of Mouth Automotive (Sign #84).</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP201700024 with conditions. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 5)	
10. <u>Pb. Hrg.: SP201700004 James River Runners Amendment (Sign #27 & 70).</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP# 201700004. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 6)	
11. <u>Pb. Hrg.: SP201700018 Rivanna Solar Project (Signs # 39 & 56).</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP201700018 subject to the conditions. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney’s office. (Attachment 7)	
12. <u>Pb. Hrg.: Electoral Board and Registrar-Proposed New Voting Precincts and Voting Locations.</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<u>Clerk:</u> Forward copy of signed ordinance to Registrar and County Attorney’s office. (Attachment 8)	
13. <u>Pb. Hrg.: Ordinance to Amend County Code Chapter 5, Building Regulations.</u> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney’s office. (Attachment 9)	
14. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Gallaway:</u> <ul style="list-style-type: none"> • Requested an update on the timeline of the STANTEC report. <u>Rick Randolph:</u> <ul style="list-style-type: none"> • Suggested that the (Chesapeake) <i>Bay Journal</i>, Winter 2017-18 edition, volume #1 and #2, be made available to members of the public when stormwater will be discussed at Board meetings. • Mentioned an article in the Washington Post regarding the Chinese space station Tiangong-1. • Provided an update that Albemarle County is not the only locality where Jim Justice 		

<p>(Governor or West Virginia) has not paid his taxes.</p> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Thanked staff responsible for obtaining the pamphlet on <i>An Elected Officials Guide to Revenue Forecasting</i>. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Distributed page ii of <i>Solid Waste Committee Report</i> to the Board. • Requested the status of letters to former members of the Hardware Ag Forestal District, who are now non-compliant, regarding their options. 		
<p>15. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Provided a memo that gave an update on the March 27 and 29 Budget Work Sessions. • Provided update on the Airport Authority meeting 		
<p>16. Closed Meeting.</p> <ul style="list-style-type: none"> • At 8:47 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments. • Under Subsection (5), to discuss the expansion of an existing business in the County where no previous announcement has been made of the business' interest in expanding its facilities in the community. 		
<p>At 9:23 p.m., the Board reconvened into open meeting and certified the closed meeting.</p>		
<p>Boards and Commissions:</p> <ul style="list-style-type: none"> • APPOINTED, Ms. Karen Horridge to the Social Services Advisory Board with said term to expire December 31, 2021. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>17. Adjourn to March 27, 2018, 3:00 p.m., Room 241.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:23 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 18 Appropriation

Attachment 2 – Resolution of Intent to Amend the Zoning Ordinance to Allow Beekeeping in Residential Zoning Districts

Attachment 3 – Resolution to Approve Special Exception for CLE 2018-50 Triple Seven Groundcovers on Tax Map 75, Parcel 50

Attachment 4 – Priority Review Process for NMD Applicants in the Rio29 Area

Attachment 5 – Resolution to Approve SP 2017-24 By Word Of Mouth Automotive; Motor Vehicle Sales and Rent

Attachment 6 – Resolution to Approve SP 2017-04 James River Runners Amendment

Attachment 7 – Resolution to Approve SP 2017-18 by Rivanna Solar

Attachment 8 – Ordinance to Amend Chapter 2, Administration, Article 1, Elections

Attachment 9 – Ordinance to Amend Chapter 5, Building Regulations

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018076 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance currently classifies beekeeping as an agricultural operation use; and

WHEREAS, Strategy 11a of the Development Areas Chapter of the Albemarle County Comprehensive Plan states that the County will study ways to allow beekeeping and other forms of agriculture in the Development Areas without harming the safety, welfare, and enjoyment of adjoining property owners; and

WHEREAS, it is desired to explore the possibility of permitting beekeeping as a by right use in the County's residential zoning districts with supplementary zoning regulations that provide measures designed to protect the safety, welfare, and enjoyment of adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code Chapter 18, Sections 5, 13, 14, 15, 16, 17, 18, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR CLE 2018-50 TRIPLE SEVEN GROUNDCOVERS
ON TAX MAP 75, PARCEL 50**

WHEREAS, the Applicant has filed an application for a zoning clearance to construct structures and provide parking to conduct farm sales on Tax Map Parcel Number 07500-00-00-05000 (the "Property"); and

WHEREAS, the Applicant also filed a request for a special exception to allow the front setback for parking that will serve the farm sales use to be closer than the required seventy-five (75) feet, as the Property is depicted on the the two-page sketch plan entitled "Proposed Farm Sales Use Parking Location at 777 Monacan Trail" dated February 16, 2018.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the memorandum prepared in conjunction with the use, and its supporting analysis, the two-page sketch plan entitled "Proposed Farm Sales Use Parking Location at 777 Monacan Trail" dated February 16, 2018, and all of the factors relevant to the special exception in Albemarle County Code § 18-5.1 and 18-33.5, the Albemarle County Board of Supervisors finds that, because the farm sales structures may be thirty-five (35) feet from a public road, reducing the parking setback as proposed would satisfy the purposes of Chapter 18, Zoning, to at least an equivalent degree as the existing parking setbacks; and

BE IT FURTHER RESOLVED hereby approves the special exception to authorize the parking for the farm sales to be closer to the front property line than the required seventy-five (75) foot setback, subject to the condition attached hereto.

* * *

CLE 2018-50 Triple Seven Groundcovers Special Exception Conditions

1. The parking setback from the front property line on the northern portion of the property shall be a minimum of twenty-five (25) feet and the parking setback from the front property line on the southern portion of the property shall be a minimum of fifty-five (55) feet as depicted on the two-page sketch plan entitled "Proposed Farm Sales Use Parking Location at 777 Monacan Trail" dated February 16, 2018.

PRIORITY REVIEW PROCESS FOR NMD APPLICANTS IN THE RIO29 AREA

It is the County's goal to provide timely and responsive review for all applicants. However, the County also recognizes that opportunities to develop property within the Rio29 Small Area Plan (SAP) node (Attachment A) are of highest priority to the County. Nonetheless, this development must be realized in a manner and in line with principles that enable the vision for the SAP to be implemented.

The County has established a priority review process in order to expedite projects that are consistent with the recommendations for the Rio29 node and furthers the accomplishment of a Form Based Code approach to the development of this area. Selectivity in granting priority status helps to ensure that qualifying projects receive the necessary staff attention. A priority review process will not in any way lessen the careful scrutiny of environmental issues that is a standard part of the County's development review processes.

The priority review process is available to applicants pursuing a Neighborhood Model (NMD) re-zoning on property located within the Rio29 node with a proposed development that is expected to comply with the vision and designs established in Phase2 of the Rio29 Small Area Plan project (Attachments B & C). To be considered, the proposal should comply with three or more of the following numbered criteria:

1. A form consistent with the Rio29 designs (must meet at least 3 of the bulleted criteria)
 - Buildings containing two or more stories; and
 - Buildings fronting on existing or proposed streets with relegated parking; and
 - A minimum of two use classifications (see [Sec 20A.8\(b\) of the Zoning Ordinance](#) for acceptable use classifications) or provide the flexibility to allow for conversion to different use classifications in the future; and
 - A minimum of two housing types (see [Sec 20A.8\(a\) of the Zoning Ordinance](#) for acceptable housing types)
2. A development that contains new public bike/ped/green space components – (new trails, parks, open space, consistent with connectivity plan)
3. A development that establishes or improves upon interconnectivity of the area (proposes new roads, intersections or interconnections and/or upgrades existing travelways to public roads, consistent with connectivity plan)
4. A minimum size of 3 acres

Guidelines for Priority Review Process

To be successful, a formalized priority process must recognize that each project has different needs and circumstances and that a specific approach must be developed on a case-by-case basis. The following guidelines provide a general approach with the understanding that a critical part of the initial evaluation of the project review will include assessing and responding to the project's specific individual circumstances.

- An applicant must make a request to the County's Community Development staff that its project be designated for priority review. Requests that meet the priority review criteria will then be forwarded to the Community Development Director who, in consultation with other departments as appropriate, will make the final determination on eligibility for priority designation.
- Prior to submitting its development application, the applicant and the Community Development Director and staff shall meet to discuss the County's priority review process. This structured meeting will identify issues before the formal application is submitted for review. The applicant also would be advised to identify a single point of contact (SPOC) for the application process as this has proven to significantly reduce communication problems. The County will do the same as

outlined below. Success of the priority review will depend on the willingness of both parties to commit to meeting established expectations.

- Once the project is approved for priority review and the initial submission meeting has occurred, the priority review application is submitted to the attention of the Community Development Director.
- Priority treatment of the application, or “top-of-the-list” status, will be provided for the project throughout the entire development review. This priority treatment will include flexibility in submittal deadlines and immediate processing for qualifying applications.
- The Community Development Director will assign the project to a senior project manager who will serve as a liaison during the application and permitting process. This senior project manager will provide oversight throughout the process, and the project will remain prioritized throughout developmental review. The senior project manager also will be responsible for notifying the Community Development Director of any resource needs or problems the applicant is unable to address. The senior project manager and the applicant’s SPOC will coordinate throughout the development review process.
- A review team comprised of experienced members from all reviewing departments will work on the application’s review until the project is completed, based on timelines agreed upon and established in order to ensure efficiency. These experienced team members will be empowered to make administrative decisions and recommendations on behalf of their respective departments and divisions during the review process.
- Legally required Planning Commission and Board of Supervisors notices may be published simultaneously.
- The site plan process may run concurrently with the rezoning or special use permit application if both are required.
- Other department’s staff, as appropriate, will be involved during the pre-submittal process and will act as part of the review team throughout the process to identify possible federal, state and local incentives and resources.

Again, these process guidelines are general in nature due to the individual requirements of specific projects. If a project is accepted for priority review, staff will tailor the most efficient approach while maintaining established standards of quality and public input.

Guidelines for Priority Review Evaluation

To be successful, applications should also integrate the form-based framework that the Board of Supervisors endorsed on January 30, 2018. Applications will be evaluated to ensure that they are consistent with form and design guidelines that were described in that framework, including, but not limited to: building massing and relationship to the street, transportation capacity (including multimodal) and green infrastructure.

**RESOLUTION TO APPROVE
SP 2017-24 BY WORD OF MOUTH AUTOMOTIVE;
MOTOR VEHICLE SALES AND RENTAL**

WHEREAS, the Owner of By Word of Mouth Automotive submitted an application for a special use permit to conduct motor vehicle sales at its existing vehicle maintenance and repair shop on Tax Map Parcel Number 061W0-01-0C-00100, and the application is identified as SP201700024 By Word of Mouth Automotive (“SP 2017-24”); and

WHEREAS, on February 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-24 with conditions; and

WHEREAS, on March 14, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-24.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-24 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-22.2.2(8) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-24, subject to the conditions attached hereto.

* * *

**SP-2017-24 By Word of Mouth Automotive; Motor Vehicles Sales and Rental
Special Use Permit Conditions**

1. Development and use shall be in general accord with the following revised plans originally prepared by B. Aubrey Huffman & Assoc., Ltd., and updated by Stewart Wright, dated October 30, 2017 (hereafter “Concept Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
 - a. Location of proposed vehicle sales and display areas within existing parking lotMinor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Safe and convenient vehicular access shall be maintained at all times. To accomplish this, the site shall be modified with corresponding physical improvements (pavement striping, curb painting, and/or “no parking” signage) in travelway areas where vehicles are being parked.
3. The use shall commence on or before March 14, 2021, or the permit shall expire and be of no effect.

**RESOLUTION TO APPROVE
SP 2017-04 JAMES RIVER RUNNERS AMENDMENT**

WHEREAS, the Owner of Tax Map Parcel 13600-00-00-012A0 (the "Property") filed an application to amend a previously-approved special use permit (SP 197800074) to expand the camping area accessory to the canoe livery located on the Property onto Tax Map Parcel 136-00-00-014A0, and the application is identified as Special Use Permit 2017-00004 James River Runners Amendment ("SP 2017-04"); and

WHEREAS, on February 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-04 with conditions; and

WHEREAS, on March 14, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-04.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-04 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(29) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-04, subject to the conditions attached hereto.

* * *

SP-2017-00004 James River Runners Amendment Special Use Permit Conditions

1. Accessory structures within the floodplain shall be constructed and secured in accordance with County Code § 18-30.3.15.
2. The use of fireworks on the property shall be prohibited.
3. The owner shall establish and enforce Campground Quiet Hours, as approved by the Zoning Administrator, for the hours between 10 pm and 6 am.
4. No amplified sound or permanent lighting shall be installed or used on the property.
5. A staff member shall be on the premises at all times when individuals are utilizing camp sites on the property.

**RESOLUTION TO APPROVE
SP 2017-18 BY RIVANNA SOLAR**

WHEREAS, SolUnesco, LLC submitted an application for a special use permit to install a solar energy system on Tax Map Parcel Number 09400-00-00-017A0, and the application is identified as SP201700018 Rivanna Solar (“SP 2017-18”); and

WHEREAS, on February 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-18 with conditions; and

WHEREAS, on March 14, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-18.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-18 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-18, subject to the conditions attached hereto.

* * *

**SP-2017-18 Rivanna Solar
Special Use Permit Conditions**

1. Development and use shall be in general accord with the following revised plans prepared by Draper Aden Associates titled “Conceptual Layout, Rivanna Solar Farm” dated January 5, 2018 (hereinafter “Concept Plan”) as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the Concept Plan:

- a. Location of solar development envelopes;
- b. Location of access/entrance improvements;
- c. Location of equipment yard; and
- d. Retention of wooded vegetation in stream buffers

Land disturbance, which includes but is not limited to grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, shall be limited to the areas shown on the Concept Plan as “Proposed Solar Development Envelopes,” “Proposed Landscape Buffer” areas, and the “Temporary Construction Entrance” and the “Permanent Entrance” areas, unless additional land disturbance is approved by the Director of Planning in writing and prior to the land disturbance.

Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.

- 2. Landscaping and screening shall be substantially the same as shown on the revised plan prepared by Draper Aden Associates titled “Landscape Buffer Details” dated January 5, 2018, and shall be planted as shown on a landscaping plan approved by the Director of Planning or his or her designee.
- 3. All inverters shall be set back at least one hundred (100) feet from property lines and rights-of-way.
- 4. The applicant shall submit a tree-protection agreement between the applicant and the landowner of Tax Map Parcel 09300-00-00-047E0 with the building permit application. This agreement shall prohibit the removal of shrubs or trees (except for non-native or invasive species) by either party within 475 feet of the rear boundary of this parcel until decommissioning of the solar energy facility on Tax Map Parcel 09400-00-00-017A0 is complete. The tree-protection agreement shall be subject to review and approval by the County Attorney, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of

Albemarle. Prior to issuance of a building permit, the tree-protection agreement shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.

5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
6. The applicant shall submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that shall include the following items:
 - a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less; and
 - f. An estimate of all costs associated with rehabilitation of the site.

The Decommissioning Plan shall be prepared by a third-party engineer and must be signed off by the party responsible for decommissioning, and all landowners of the property included in the project. The Decommissioning Plan shall be subject to review and approval by the County Attorney and County Engineer, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle.

7. Prior to issuance of a building permit, the Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
8. The Decommissioning Plan and estimated costs shall be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan shall be recorded in the office of the Circuit Court of the County of Albemarle.
9. The Zoning Administrator shall be notified in writing within 30 days of the abandonment or discontinuance of the use.
10. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, shall be removed entirely, and the site shall be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use. In the event that a piece of an underground component breaks off or is otherwise unrecoverable from the surface, that piece shall be excavated to a depth of at least 36 inches below the ground surface.
11. If the use, structure, or activity for which this special use permit is issued is not commenced by March 14, 2020, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

ORDINANCE NO. 18-2(1)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 1, ELECTIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 1, Elections, is hereby amended and reordained as follows:

By Amending:

- Sec. 2-101 Jack Jouett Magisterial District.
- Sec. 2-103 Rivanna Magisterial District.
- Sec. 2-105 Scottsville Magisterial District.
- Sec. 2-106 White Hall Magisterial District.

Chapter 2. Administration

Article 1. Elections

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Sec. 2-101 Jack Jouett Magisterial District.

The Jack Jouett Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the railway to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then meandering north and east along the Charlottesville city limits to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
- B. *Precincts:* The district shall be divided into three precincts that are described as follows:
 - 1. *Georgetown Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then south along Hydraulic Road to its intersection with Georgetown Road (State Route 656); then southwest along Georgetown Road to its intersection with Barracks Road (State Route 654); then southeast along Barracks Road to its intersection with Charlottesville’s western city limits; then along Charlottesville’s western city limits north and east to the intersection of Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
 - 2. *Jack Jouett Precinct:* Beginning at the intersection of Barracks Road (State Route 654) and its intersection with Georgetown Road (State Route 656); then northeast along Georgetown Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection

with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676, and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX railway right-of-way; then east along the CSX railway right-of-way to its intersection with the US Route 29/250 bypass; then northeast along the US Route 29/250 bypass to its intersection with Charlottesville's western city limits and Barracks Road (State Route 654); then northwest along Barracks Road to its intersection with Georgetown Road, the point of origin.

3. *University Hall Precinct*: Beginning at the intersection of the U.S. Route 29 Bypass and Fontaine Avenue Extended/U.S. Route 29 Business; then north to its intersection with the U.S. Route 29/250 Bypass; then north and northeast along the U.S. Route 29/250 Bypass to its intersection with Charlottesville's northwestern city limits, then meandering south along the Charlottesville city limits to its intersection with Fontaine Avenue/U.S. Route 29 Business; then running west along Fontaine Avenue/U.S. Route 29 Business and the Charlottesville city limits to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then west along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the U.S. Route 29/250 Bypass, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Georgetown Precinct*: Albemarle High School, 2775 Hydraulic Road.
2. *Jack Jouett Precinct*: Jack Jouett Middle School, 210 Lambs Lane.
3. *University Hall Precinct*: University Hall, 300 Massie Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(2), § 2-102; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11)

State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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Sec. 2-103 Rivanna Magisterial District.

The Rivanna Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district*: Beginning at the intersection of Interstate 64 and the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with the Albemarle/ Louisa county line; then northeast along the Albemarle/Louisa county line to its intersection with the Albemarle/ Orange county line; then west along the Albemarle/Orange county line to its intersection with the Albemarle/ Greene county line; then west along the Albemarle/Greene county line to its intersection with Seminole Trail (U.S. Route 29); then southwest along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then meandering south along the Rivanna River to its intersection with Interstate 64; then along Interstate 64 east to its intersection with the Albemarle/Fluvanna county line, the point of origin.
- B. *Precincts*: The district shall be divided into six precincts that are described as follows:
 1. *Baker-Butler Precinct*: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then southeast along the Albemarle/Greene county line to its intersection with the Albemarle/Orange county line; then southeast along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west

along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29), immediately south of 3129 Seminole Trail; then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.

2. *Free Bridge Precinct*: Beginning at the intersection of the Rivanna River with Interstate 64; then meandering north along the Rivanna River to its intersection with a Dominion Power high voltage powerline right-of-way; then running southeast along the powerline right-of-way to its intersection with Shadwell Creek; then running south along Shadwell Creek to its intersection with Hansens Mountain Road; then running west along Hansens Mountain Road to its intersection with Richmond Road (US Route 250); then running southeast along Richmond Road/US Route 250 to its intersection with Interstate 64; then running west along Interstate 64 to its intersection with the Rivanna River, the point of origin.
3. *Hollymead Precinct*: Beginning at the intersection of the Norfolk Southern Railway right-of-way and the South Fork Rivanna River; then running northeast along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29) immediately south of 3129 Seminole Trail; then south along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with the Norfolk Southern Railway right-of-way, the point of origin.
4. *Keswick Precinct*: Beginning at the intersection of the Albemarle/Orange/Louisa county line; then southwest along the Albemarle/Louisa county line to its intersection with the Albemarle/ Fluvanna county line; then southwest along the Albemarle/ Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Barn Branch; then northwest along Barn Branch to its confluence with a western branch of Barn Branch whose origin lies near the ridge of Trevillian Mountain of the Southwest Mountains; then meandering north along this western branch of Barn Branch to its origin near the ridge of Trevillian Mountain of the Southwest Mountains; then northeast along the ridge line of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then east along the Albemarle/Orange county line to its intersection with the Albemarle/Orange/ Louisa county line, the point of origin.
5. *Pantops Precinct*: Beginning at the confluence of the Rivanna River and Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then meandering southeast along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then Southwest along the ridge line of the Southwest Mountains (encountering Hammocks Gap, followed by Wolf Mountain, followed by Trevillian Mountain) to its intersection with the origin of a western branch of Barn Branch; then meandering south along this western branch of Barn Branch to its confluence with Barn Branch; then southeast along Barn Branch to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Richmond Road (US Route 250); then northwest along Richmond Road/US Route 250 to its intersection with Hansens Mountain Road; then running east along Hansens Mountain Road to its intersection with Shadwell Creek; then running north along Shadwell Creek to its intersection with a Dominion Power high voltage powerline right-of-way; then running northwest along this powerline right-of-way to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its confluence with Redbud Creek, the point of origin.

6. *Stony Point Precinct*: Beginning at the intersection of the South Fork Rivanna River and the Norfolk Southern Railway right-of-way; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and Rivanna River; then meandering south along the Rivanna River to its confluence with Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then east along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then northeast along the ridgeline of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then west along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Baker-Butler Precinct*: Baker-Butler Elementary School, 2740 Proffit Road.
2. *Free Bridge Precinct*: Elk's Lodge Hall, 389 Elk Drive.
3. *Hollymead Precinct*: Hollymead Elementary School, 2775 Powell Creek Drive.
4. *Keswick Precinct*: Zion Hill Baptist Church, 802 Zion Hill Road.
5. *Pantops Precinct*: Broadus Memorial Baptist Church, 1525 Stony Point Road.
6. *Stony Point Precinct*: Stony Point Elementary School, 3893 Stony Point Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(3), § 2-103; Ord. 01-2(1), 5-9-01; Ord. 02-2(4), 7-3-02; Ord. 08-2(1), 2-6-08; Ord. 11-2(2), 5-4-11)

State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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Sec. 2-105 Scottsville Magisterial District.

The Scottsville Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district*: Beginning at Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive), then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then immediately west along Red Hill Road to its intersection with the North Fork Hardware River; then meandering southwest along the North Fork Hardware River to its confluence with the Hardware River and the South Fork Hardware River; then southwest along the South Fork Hardware River to its confluence with Eppes Creek; then southwest along Eppes Creek to its confluence with Beaver Branch; then meandering southwest along Beaver Branch to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line; then east along the Albemarle/ Buckingham county line to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits west to its intersection with Sunset Avenue Extended, the point of origin.

B. *Precincts*: The district shall be divided into five precincts that are described as follows:

1. *Biscuit Run Precinct*: Beginning at the intersection of Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Avon Street Extended (State Route 742); then running Southwest along Avon Street Extended/State Route 742, to its intersection with Interstate 64; then running west along Interstate 64 to its intersection with Biscuit Run; then meandering south and west along Biscuit Run to its confluence with a western branch of Biscuit Run (approximately 1650 feet east of the eastern end of Forest Lodge Lane, and approximately 1650 feet southeast of the eastern end of Forest Lodge Drive); then west along this western branch to its intersection with Old Lynchburg Road (State Route 631); then north along Old Lynchburg Road (State Route 631) to its intersection with Old Lynchburg Road (State Route 780); then northwest along Old Lynchburg Road (State Route 780) to its intersection with Mountainwood Road; then west along Mountainwood Road to its intersection with Sunset Avenue Extended (State Route 781); then north along Sunset Avenue Extended to its intersection with Charlottesville's southern city limits, the point of origin.
2. *Cale Precinct*: Beginning at the intersection of Charlottesville's southern city limits with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with an eastern branch of Biscuit Run (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then west along this eastern branch to its confluence with Biscuit Run; then north along Biscuit Run to its intersection with Interstate 64; then east along Interstate 64 to its intersection with Avon Street Extended/State Route 742; then northeast along Avon Street Extended/State Route 742 to its intersection with Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Monticello Avenue/State Route 20, the point of origin.
3. *Monticello Precinct*: Beginning at the intersection of Scottsville Road (State Route 20) and Thomas Jefferson Parkway (State Route 53); then east along Thomas Jefferson Parkway to the Albemarle/Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with Rolling Road South (State Route 620); then north along Rolling Road South to its intersection with Rolling Road (State Route 620); then northwest along Rolling Road to its intersection with Secretarys Road (State Route 708); then west along Secretarys Road to its intersection with Carters Mountain Road (State Route 627); then south along Carters Mountain Road to its intersection with Scottsville Road (State Route 20); then north along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.
4. *Scottsville Precinct*: Beginning at the intersection of Rolling Road South (State Route 620) and the Albemarle/Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with the James River and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with Warren Ferry Road (State Route 627); then north along Warren Ferry Road to its intersection with James River Road (State Route 627); then northwest along James River Road to its intersection with Langhorne Road (State Route 626); then northeast along Langhorne Road to its intersection with Scottsville Road (State Route 20); then northwest along Scottsville Road to its intersection with Plank Road (State Route 712); then southwest along Plank Road to its intersection with Esmont Road (State Route 715); then northwest along Plank Road to its intersection with Beaver Branch; then northeast along Beaver Branch to its confluence with Eppes Creek; then northeast along Eppes Creek to its confluence with the South Fork Hardware River; then meandering northeast along the South Fork Hardware River to its confluence with the North Fork Hardware River and the Hardware River; then meandering northeast along the North Fork Hardware River to its intersection with Red Hill Road (State Route 708); then east along Red Hill Road to its intersection with Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Carters Mountain Road (State Route 627); then north along Carters Mountain Road to its intersection with Secretarys Road (State Route 708); then east along Secretarys Road to its intersection with Rolling Road (State Route 620); then southeast along Rolling Road to its intersection with Rolling Road South (State Route 620); then south along Rolling Road South to its intersection with the Albemarle/Fluvanna county line, the point of origin.
5. *Stone-Robinson Precinct*: Beginning at the intersection of Scottsville Road (State Route 20) and Thomas

Jefferson Parkway (State Route 53); then southeast along Thomas Jefferson Parkway to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits southwest to its intersection with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.

C. *Polling places:* Each precinct shall have a polling place at the location identified below:

1. *Biscuit Run Precinct:* Monticello High School, 1400 Independence Way.
2. *Cale Precinct:* Cale Elementary School, 1757 Avon Street Extended.
3. *Monticello Precinct:* Monticello High School, 1400 Independence Way.
4. *Scottsville Precinct:* Scottsville Elementary School, 7868 Scottsville Road.
5. *Stone-Robinson Precinct:* Stone-Robinson Elementary School, 958 North Milton Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(5), § 2-105; Ord. 01-2(1), 5-9-01; Ord. 11-2(2), 5-4-11)

State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

Sec. 2-106 White Hall Magisterial District.

The White Hall Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district:* Beginning at the intersection of Batesville Road (State Route 636) and the Albemarle/Nelson county line; then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then continuing northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to the Albemarle/Rockingham county line; then southwest along the Albemarle/Rockingham county line to its intersection with the Albemarle/Augusta county line; then south along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.
- B. *Precincts:* The district shall be divided into five precincts that are described as follows:
1. *Brownsville Precinct:* Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then southwest along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Crozet Avenue

(State Route 240); then north along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road to its intersection with the Albemarle/Augusta county line, the point of origin.

2. *Crozet Precinct*: Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then northeast along the Albemarle/Augusta county line to its intersection with the Albemarle/Rockingham county line; then northeast along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering southwest along the Mechums River to its intersection with Ivy Road (US Route 250); then west along Ivy road/US Route 250 to its intersection with Three Notchd Road (State Route 240); then northwest along Three Notchd Road to its intersection with Crozet Avenue (State Route 810); then south along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road (State Route 611) to its intersection with the Albemarle/Augusta county line, the point of origin.
3. *Earlsville Precinct*: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with Dyke Road (State Route 810); then south along Dyke Road to its intersection with Markwood Road (State Route 664); then south along Markwood Road to its intersection with Davis Shop Road (State Route 671); then southwest along Davis Shop Road to its intersection with Buck Mountain Creek; then meandering southeast along Buck Mountain Creek to its confluence with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlsville Road (State Route 743); then southeast along Earlsville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.
4. *Free Union Precinct*: Beginning at the Albemarle/Rockingham/Greene county line; then southwest along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its confluence with Buck Mountain Creek; then meandering northwest along Buck Mountain Creek to its intersection with Davis Shop Road (State Route 671); then northeast along Davis Shop Road to its intersection with Markwood Road (State Route 664); then north along Markwood Road to its intersection with Dyke Road (State Route 810); then north along Dyke Road to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with the Albemarle/Rockingham/Greene county line, the point of origin.

5. *Mechums River Precinct*: Beginning at the intersection of the Mechums River with Ivy Road (US Route 250); then meandering southwest along the Mechums River to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rockfish Gap Turnpike (US Route 250) (at the I-64 Crozet exit); then east along the Rockfish Gap Turnpike to its intersection with Crozet Avenue (State Route 240); then north along Crozet Avenue to its intersection with Three Notchd Road (State Route 240); then southeast along Three Notchd Road to its intersection with Ivy Road (US Route 250); then east along Ivy Road to its intersection with Mechums River, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Brownsville Precinct*: Brownsville Elementary School, 5870 Rockfish Gap Turnpike.
2. *Crozet Precinct*: Crozet Elementary School, 1407 Crozet Avenue.
3. *Earlsville Precinct*: Broadus Wood Elementary School, 185 Buck Mountain Road.
4. *Free Union Precinct*: Free Union Country School, 4220 Free Union Road, Free Union.
5. *Mechums River Precinct*: Western Albemarle High School, 5941 Rockfish Gap Turnpike

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(6), § 2-106; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11; Ord. 17-2(1), 3-1-17)

State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

ORDINANCE NO. 18-5(1)

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, 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 5, Building Regulations, is hereby amended as follows:

By Amending:

- 5-200 Permit and inspection fees, generally.
- 5-201 Fees for building permits.
- 5-202 Fees for electrical permits.
- 5-203 Fees for plumbing permits.
- 5-204 Fees for mechanical permits.
- 5-205 Fees for amusement devices.
- 5-206 Fee for demolition permits.
- 5-207 Fees for zoning inspections.
- 5-208 Fees for other permits, plan amendments, and reinspections.
- 5-209 Refunds.
- 5-400 Applicability.
- 5-401 Smoke detector required.

By Amending and Renumbering/Renaming

From:

- 5-100 Purpose and intent.
- 5-101 Building inspection office established; powers and duties.
- 5-102 Board of appeals established; powers and duties.
- 5-103 Appeals of decisions of the building official.
- 5-104 Violation and penalty.
- 5-300 Order to remove, repair or secure.
- 5-302 Recovery of costs if building official removes, repairs or secures; lien.
- 5-303 Remedies of this article not exclusive.
- 5-403 Interim testing, repair and maintenance of smoke detector.
- 5-500 Purpose and intent.
- 5-501 Applicability.
- 5-502 Well testing and reporting.
- 5-503 Building permit; withholding.

- 5-403 Interim testing, repairing, and maintaining a smoke detector.
- 5-500 Purpose.
- 5-502 Applicability.
- 5-503 Well testing and reporting.
- 5-504 Building permit; withholding.

To:

- 5-100 Purpose.
- 5-102 Building Inspection Office established; powers and duties.
- 5-104 Board of Appeals established; powers and duties.
- 5-105 Appeals of decisions of the Building Inspection Office.
- 5-106 Violation and penalty.
- 5-300 Removing, repairing, or securing structures.
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By Adding:

- 5-101 The Building Code.
- 5-103 Building Official established; powers and duties.
- 5-302 Demolition or removal of certain structures.
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- 5-501 Definitions.

By Repealing:

- 5-301 Authority of building official to remove, repair or secure.

Chapter 5. Building Regulations

Article 1. Administration

Sec. 5-100 Purpose.

The purpose of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, demolition and removal of all structures, and to the equipment in such structures. The purpose of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-1; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Statewide Building Code.

Sec. 5-101 The Building Code.

The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the “Building Code” and shall include the Building Code in its current form and as amended in the future. A copy of the Building Code shall be kept on file in the Department of Community Development.

State law reference-Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Statewide Building Code.

Sec. 5-102 Building Inspection Office established; powers and duties.

A Building Inspection Office is hereby established in the Department of Community Development, subject to the following:

A. *Powers and duties.* The Building Inspection Office shall be charged with administering and enforcing the Building Code and this chapter, reviewing and acting on plans, inspecting buildings and structures, and issuing related permits and certificates.

B. *Building Inspection Office reference.* For purposes of this chapter, “Building Inspection Office” means the “local building department” as that term is used in the Building Code.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-103 Building Official established; powers and duties.

The office of the Building Official is hereby established, subject to the following:

A. *Appointment.* The Building Official shall be appointed by the County Executive.

B. *Powers and duties under the Building Code and this chapter.* The Building Official shall administer and enforce the Building Code and this chapter. As such, the Building Official shall have the powers and duties of a building official pursuant to the Building Code.

C. *Powers and duties to direct and supervise.* The Building Official shall direct the Building Inspection Office and supervise the employees of the Building Inspection Office.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-104 Board of Appeals established; powers and duties.

A Board of Appeals is hereby established, subject to the following:

A. *Composition.* The Board shall be composed of five members and two alternates appointed by the Board of Supervisors. The Board members shall be persons who meet the qualifications for Board membership pursuant to the Building Code, to the extent that those persons are available and willing to serve.

B. *Term.* Each member of the Board shall serve a five year term, which shall extend beyond the appointed term until a successor is appointed.

C. *Reappointment.* The Board members and the alternates may be reappointed.

D. *Compensation.* The Board members shall be compensated as provided in County Code § 2-1105.

E. *Powers and duties.* The powers and duties of the Board shall be as provided in the Building Code, and they include considering appeals as provided in County Code § 5-105.

F. *Board of Appeals reference.* For the purposes of this chapter, "Board of Appeals" means the "local board of Building Code appeals" or "LBBCA" as that term and acronym are used in the Building Code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code § 36-105.

Sec. 5-105 Appeals of decisions of the Building Inspection Office.

The Board of Appeals shall consider and act on appeals from decisions of the Building Inspection Office as provided herein:

A. *Authority.* The Board shall consider appeals by any person aggrieved by the Building Inspection Office's application of the Building Code or its refusal to grant a modification of the provisions of the Building Code.

B. *Appeal requirements and procedures.* The parties, scope, procedure, and conduct of an appeal shall be as provided in the Building Code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12; Ord. 12-5(1), 3-7-12)

State law reference-Va. Code § 36-105.

Sec. 5-106 Violation and penalty.

It is unlawful for any owner or any other person to violate any provision of this chapter or the Building Code. Any violation of this chapter is punishable and shall be abated as follows:

A. *Violation of this chapter.* A violation of this chapter, which is not a violation of the Building Code shall be punishable as a Class 1 misdemeanor.

B. *Violation of the Building Code.* A violation of the Building Code shall be punishable and shall be abated as provided in Virginia Code § 36-106.

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

State law reference-Va. Code § 36-106.

Article 2. Fees

Sec. 5-200 Permit and inspection fees, generally.

An owner or other person is required to pay the fees for a permit or inspection required by the Building Code or this chapter as follows:

A. *Basis for fee.* Any fee paid is to reimburse, in whole or in part, the Department of Community Development's cost to review plans, issue permits, and conduct up to one reinspection of work performed pursuant to a permit.

B. *Amount.* The amount of the fees are as provided in this article.

C. *When the fee must be paid.* Any fee must be paid at the time any application or request is filed. An application or request shall not be filed if the required fee is not paid.

D. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.

E. *County and County School Board excepted.* The County and the County School Board are not required to pay any fee imposed by this article.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference-Va. Code § 36-105.

Sec. 5-201 Fees for building permits.

The fees for building permits are:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), other than a garage, deck, or porch, or for an addition to an existing residential structure in either use group, is \$0.53 per square foot, calculated on gross finished square footage. The minimum fee is \$80.00.

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, deck, or porch 10 square feet or larger, is \$0.16 per square foot, calculated on gross finished square footage. The minimum fee is \$27.00.

C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub, or spa is \$54.00.

D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$48.00.

E. *New commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, is \$0.22 per square foot for the first 5,000 square feet, plus \$0.15 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee is \$80.00.

- F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation is \$161.00.
- G. *Commercial swimming pools.* The fee for each commercial swimming pool is \$328.00.
- H. *Elevators, escalators and lifts.* The fee for each elevator, escalator, or lift is \$258.00.
- I. *Paint spraying booths.* The fee for each paint spraying booth is \$27.00.
- J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit is \$48.00.
- K. *Tents.* The fee for each tent is \$54.00.
- L. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group is \$ 0.18 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-202 Fees for electrical permits.

The fees for electrical permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck, or porch, or for an addition to an existing residential structure in either such use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, deck, or porch ten square feet or larger, is \$32.00.
- C. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$32.00.
- D. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, is \$0.04 per square foot. The minimum fee is \$80.00.
- E. *Swimming pools, hot tubs and spas.* The bonding fee for each swimming pool, hot tub, or spa is \$32.00. The equipment wiring fee for each swimming pool, hot tub, or spa is \$32.00.
- F. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group is \$0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee is \$80.00.
- G. *Signs.* The fee for each sign is \$48.00.
- H. *Temporary service.* The fee for each temporary electric service is \$102.00, unless the service is sought as part of a building permit for which a fee is paid under County Code § 5-201(A).
- I. *Early service.* The fee for each early electric service shall be \$65.00, unless the service is sought as part of a building permit for which a fee is paid under County Code § 5-201(A).
- J. *Fuel dispensing pumps.* The fee for each fuel dispensing pump is \$32.00.
- K. *Alarm systems.* The fee for each alarm system is \$0.04 per square foot of the gross square footage of the structure. The minimum fee-is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-203 Fees for plumbing permits.

The fees for plumbing permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$32.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, U, or an addition to an existing commercial structure in any use group, is \$9.00 per fixture. The minimum fee is \$80.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group is \$9.00 per fixture, provided that there is no increase in gross square footage. The minimum fee is \$80.00.
- E. *Water lines.* The fee for each water line is \$27.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- F. *Sewer laterals.* The fee for each sewer lateral is \$27.00, unless the lateral is included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- G. *Fire suppression systems.* The fee for each fire suppression system is \$0.86 per head. The minimum fee is \$80.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-204 Fees for mechanical permits.

The fees for mechanical permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$32.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any use group, is \$0.04 per square foot of gross square footage. The minimum fee is \$80.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee is \$80.00.
- E. *Underground tanks.* The fee for each underground tank, including associated piping, is \$183.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- F. *Aboveground tanks.* The fee for each aboveground tank, including associated piping, is \$108.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).

G. *Gas and oil lines.* The fee for each gas or oil line is \$38.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).

H. *Furnaces, wood stoves and gas log systems.* The fee for each furnace, wood stove, or gas log system is \$70.00, unless the furnace, stove, or gas log system is included as part of a building permit for which a fee is paid under County Code § 5-201(A).

I. *Range hoods.* The fee for each range hood is \$27.00.

J. *Hood suppression systems.* The fee for each hood suppression system is \$32.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-205 Fees for amusement devices.

The fees for amusement devices are as provided in the fee schedule in 13VAC5-31-75.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105; 13VAC5-31-75.

Sec. 5-206 Fee for demolition permits.

The fee for each demolition permit is \$102.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-207 Fees for zoning inspections.

The fees for inspections to determine compliance with the zoning ordinance are:

A. *Initial zoning inspection.* The fee for each inspection related to the issuance of a building permit for main or accessory structures is \$16.00 per inspection.

B. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy may be issued is \$16.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-208 Fees for other permits, plan amendments, and reinspections.

The fees for other permits, plan amendments, and reinspections are:

A. *Other permits.* The fees for any other building, electrical, plumbing, or mechanical permit not identified in this article is \$32.00 per inspection.

B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety review is \$32.00.

C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of the work, is \$32.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

State law reference-Va. Code § 36-105.

Sec. 5-209 Refunds.

A fee paid pursuant to this article may be refunded as follows:

A. *Written request by owner; timing.* An owner shall submit a written request for a refund to the Building Official. The request must be received by the Building Official within six months after either of the events identified in subsection (B).

B. Events entitling owner to a refund. An owner is entitled to a refund under the following circumstances:

1. *Permit application withdrawn or voided.* If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded an amount not to exceed 80 percent of the original fee. The amount of the refund shall be the original fee minus the costs for plan review and administration.

2. *Permit expired, abandoned, or revoked; work discontinued.* If an issued permit is expired, abandoned, or revoked, or if the work authorized by the permit is discontinued, the owner shall be refunded an amount of the original fee which corresponds to the percentage of the work not completed, minus plan review and administrative fees and penalties.

C. *Plan review and administrative fees.* For the purpose of calculating a refund, the plan review and administrative fees shall be at least 20 percent of the original fee.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 36-105.

Article 3. Unsafe Buildings and Structures

Sec. 5-300 Removing, repairing, or securing structures.

Any building, wall, or other structure that might endanger the public health or safety of other residents of the County may be removed, repaired, or secured as follows:

A. *By the owner when required by the Board of Supervisors.* The Board of Supervisors may require any property owner to remove, repair, or secure any building, wall, or other structure that it determines might endanger the public health or safety of other residents of the County. The Board shall communicate its requirement in a notice provided to the property owner, as follows:

1. *Contents of the notice.* The notice shall be in writing and: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.

2. *How notice provided.* The Building Official shall mail the notice by certified or registered mail, return receipt requested, sent to the last known address of the property owner.

B. *By the County through its employees or agents.* The County, through its own agents or employees, may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the County, if the property owner and lienholder of the property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure, as follows:

1. *Form and content of notice.* The notice shall be in writing, and shall: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.

2. *How notice provided.* The notice shall be: (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner; and (ii) published once a week for two successive weeks in a newspaper having general circulation in the County.

3. *No action by County until 30 days after last notice; exception.* The County shall not take any action authorized by this subsection for at least 30 days after the later of the return of the receipt or newspaper publication (the "last notice"), provided that the County may act to prevent unauthorized access to the building within seven days after the last notice if it is deemed to pose a significant threat to public safety and that fact is stated in the notice.

4. *Recovery of costs.* The County may recover its costs to remove, repair, or secure any building, wall, or other structure pursuant to County Code § 5-301.

5. *Repair clarified.* For the purpose of this section, *repair* includes maintenance work to the exterior of a building to prevent the building or adjacent buildings from deteriorating.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-906(1), (2).

Sec. 5-301 Recovery of costs if the County removes, repairs or secures; lien.

The County may recover its costs to remove, repair, or secure any building, wall, or other structure as provided in County Code § 5-300(B) as follows:

A. *Costs chargeable to owner.* If the County, through its own agents or employees, removes, repairs or secures any building, wall, or other structure after complying with the notice provisions of this article or as otherwise permitted under the Building Code in the event of an emergency, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes are collected.

B. *Unpaid charges constitute a lien on the property.* Every charge authorized by this section or Virginia Code § 15.2-900 for which the owners of any property have been assessed and that remains unpaid constitutes a lien against the property. The lien ranks on parity with liens for unpaid local real estate taxes and is enforceable in the same manner as provided in Articles 3 (Virginia Code § 58.1-3940 *et seq.*) and 4 (Virginia Code § 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Virginia Code.

C. *County may waive lien to facilitate sale; remains personal obligation of owner.* The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

State law reference-Va. Code § 15.2-906(3), (4).

Sec. 5-302 Demolition or removal of certain structures.

The County may, through its agents or employees, demolish or remove a derelict nonresidential building or structure with the consent of the owner, subject to the following:

A. *Written consent of owner.* The owner shall provide written consent, which shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent.

B. *Building or structure does not have historic designation.* The building or structure is neither located within or determined to be a contributing property within a State or local historic district nor individually designated in the Virginia Landmarks Register.

C. *Costs constitute a lien on the property.* The costs of demolition or removal constitutes a lien against the property. If the consent of the first lienholder or the first lienholder's authorized agent is obtained, the lien shall rank on a parity with liens for unpaid local real estate taxes and is enforceable in the same manner as provided in Articles 3 (Virginia Code §§ 58.1-3940 *et seq.*) and 4 (Virginia Code § 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Virginia Code. If the consent of the first lienholder or the first lienholder's authorized agent is not obtained, the lien is subordinate to that first lien but is otherwise subject to this subsection and subsection (D).

D. *County may waive lien to facilitate sale; remains personal obligation of owner.* The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

State law reference-Va. Code § 15.2-906(5).

Sec. 5-303 Emergency repairs.

The Building Official may authorize emergency repairs as follows:

A. *Immediate danger of collapse or fall.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered.

B. *Violation of the Building Code.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that a violation of the Building Code exists resulting in a serious and imminent threat to the life and safety of the occupants or the public.

C. *Extent of emergency repairs.* When authorizing emergency repairs under subsection (A) or (B), the Building Official may authorize the necessary work, to the extent funding for the work has been appropriated, to make the unsafe building or structure temporarily safe, where or not legal action to compel compliance has been instituted.

D. *Costs chargeable to the owner.* The cost or expenses incurred from emergency repairs are chargeable to, and shall be paid by, the owners of the property and may be collected by the County as taxes are collected.

State law reference-Va. Code §§ 36-97 *et seq.* 15.2-906(3); Virginia Uniform Statewide Building Code, Part I, § 118.7.

Sec. 5-304 Remedies of this article not exclusive.

The remedies authorized by this article are not exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the Building Code, or any remedy to abate, raze or remove a building, wall or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900 and 48-1 *et seq.*

Article 4. Smoke Detectors

Sec. 5-400 Applicability.

The following buildings and structures shall have smoke detectors installed as provided in this article:

A. *Dwelling units.* Any building containing one or more dwelling units.

B. *Hotels and motels.* Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.

C. *Rooming houses.* Any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference-Virginia Code § 15.2-922.

Sec. 5-401 Smoke detector required.

Smoke detectors shall be installed in each building or structure identified in County Code § 5-400 in conformance with the provisions of the Building Code. The type of smoke detector may be either battery operated or AC powered units.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference-Virginia Code § 15.2-922.

Sec. 5-402 Certificate that smoke detector in working order.

At the beginning of each tenancy and at least annually thereafter, the owner of each rented or leased dwelling unit shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference-Virginia Code § 15.2-922.

Sec. 5-403 Interim testing, repairing, and maintaining a smoke detector.

The tenant and the owner of a rented or leased dwelling unit is responsible to test, service, repair, maintain, or replace a smoke detector as follows:

A. *Responsibility of the tenant.* The tenant is responsible for interim testing, repairing, and maintaining any smoke detector within the dwelling unit. The tenant is not responsible for interim testing, repairing, or maintaining any smoke detector in any hallway, stairwell, or other public or common area of a multifamily dwelling.

B. *Responsibility of the owner.* The owner is responsible to service, repair, or replace any malfunctioning smoke detector within five days after receiving written notice from a tenant that a smoke detector needs service, repair, or replacement.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

State law reference--Virginia Code § 15.2-922.

Article 5. Private Ground Water Well Testing

Sec. 5-500 Purpose.

The purpose of this article is to protect the public health, safety, and welfare in areas of the County where there has been a petroleum release or a discharge that has been confirmed by the Virginia Department of Environmental Quality that remains an active contamination area by requiring that private ground water wells in these areas be tested for petroleum contamination. The tests will determine the extent of the contamination, if any, and ensure that any new wells satisfy existing federal or state drinking water quality standards for the contaminants.

In support of this purpose, the Board of Supervisors finds:

A. *Unsafe drinking water.* The release or discharge of petroleum from leaking underground storage tanks may pollute ground water and, at high enough levels, these pollutants may render water unsuitable for drinking and may cause adverse effects on the public health, safety and welfare.

B. *Adverse impacts of new private ground water wells.* Establishing new private ground water wells in the immediate area of a contamination plume could alter the conditions of existing contamination plumes and draw contaminants into areas that are currently free from contamination.

(Ord. 05-5(1), 5-4-05)

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-501 Definitions.

The following definitions apply to this article:

Active contamination area means those lands within the area identified by the Virginia Department of Environmental Quality ("VDEQ") to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by VDEQ to be at risk for contamination.

MCL means the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are expressed in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-502 Applicability.

This article applies to each applicant for a building permit for a structure that will be located within an active contamination area and will be served by a private ground water well as the primary potable water supply.

(Ord. 05-5(1), 5-4-05)

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-503 Well testing and reporting.

Each applicant for a building permit to which this article applies shall have the well tested as provided in this section before a building permit for the structure may be issued by the County:

A. *Contaminants to be tested.* The tests shall determine whether the following volatile organic compounds are present in the water: Benzene, Toluene, Ethylbenzene, and Xylenes.

B. *Applicable standards.* Each contaminant identified in subsection (A) shall be tested for compliance with the maximum contaminant level established for that contaminant under the federal Safe Drinking Water Act, as follows:

1. Benzene: 0.005 MCL (mg/L).
2. Toluene: 1 MCL (mg/L).
3. Ethylbenzene: 0.7 MCL (mg/L).
4. Xylenes (total): 10 MCL (mg/L).

C. *Sampling and testing methods and services.* Samples shall be taken and tests shall be performed using appropriate testing methods by either the Virginia Department of Environmental Quality or by a laboratory certified by the Commonwealth of Virginia to perform the services. No tests shall be conducted by Consolidated Laboratories. The cost of the tests shall be paid by the landowner.

D. *Reporting test results.* The testing laboratory shall notify the landowner of the test results in a written report.

(Ord. 05-5(1), 5-4-05)

State law reference-Virginia Code § 32.1-176.5.

Sec. 5-504 Building permit; withholding.

Each applicant for a building permit for a structure to be served by a private ground water well as the primary potable water supply within an active contamination area shall present the report containing the test results required by County Code § 5-503 before a building permit for the structure is issued by the County:

A. *No contaminants detected.* The County shall issue the building permit if there are no test contaminants detected at or below the federal Safe Drinking Water Act standards identified in County Code § 5-503(B), provided that all other applicable requirements are satisfied.

B. *Contaminants detected; exceed applicable standards.* The County shall not issue a building permit if one or more test contaminants are detected and they exceed the federal Safe Drinking Water Act standards identified in County Code § 5-503(B) , unless and until the applicant has identified and provided an approved alternative primary potable water supply.

(Ord. 05-5(1), 5-4-05)

State law reference- Virginia Code § 32.1-176.5.