

ACTIONS		
Board of Supervisors Meeting of September 5, 2018		
		September 6, 2018
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:01 p.m., by the Chair, Ms. Mallek. All BOS members were present with the exception of Mr. Dill. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to video
2. Closed Meeting. <ul style="list-style-type: none"> At 1:03 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to disruptions at public meetings; and Under Subsection (19), to discuss plans related to the security of the County Office Building facilities at both McIntire Road and Fifth Street. 		
3. Certify Closed Meeting. <ul style="list-style-type: none"> At 2:03 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 5:0:1 (Dill absent), MOVED agenda items 12 Board -to-Board, to the consent agenda for information. By a vote of 5:0:1 (Dill absent) ADOPTED the final agenda as amended. 		
5. Brief Announcements by Board Members. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Announced that National Drug Takeback Day will be on September 27, 2018 from 10:00 a.m. -2:00 p.m., at various locations. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Announced that Saturday, September 7, 2018 is Scottsville Community Day. Mentioned that former Albemarle County resident, Ben King, won two stages at the Vuelta a España (Tour Du Spain). Commented that soon he will report back to the Board regarding the recently finalized Summit County, Colorado, transit ordinance. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that the 3rd Annual Rivanna River Renaissance Conference will be held on Friday September 28, 2018 from 10:00 a.m. to 3:00 p.m., at the Albemarle County Office Building. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Announced that the Ivy Material Utilization Center will collect household hazardous waste on September 28 and 29, 2018 from 9:00 a.m. – 2:00 p.m., and Bulk waste collection will occur on October 6 (Furniture), October 13 (Appliances) and October 20 (Tires). Announced that B.F. Yancey Elementary Advisory Committee will hold a historic celebration day event on October 27, 2018 at Yancey. 		

6.	<p>Proclamations and Recognitions:</p> <p>a. Recognition of County Staff Efforts During Weekend of Aug 10-12.</p> <ul style="list-style-type: none"> • Jeff Richardson recognized and thanked County staff for their support. <p>b. VACo Achievement Award - The Neighborhood Improvement Funding Initiative.</p> <ul style="list-style-type: none"> • Gage Harter VACo., Director of Communications presented award to Emily Kilroy. 		
7.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Jim Neligan</u>, White Hall District, expressed his support for the construction of Western Park. • <u>Matthew Christensen</u>, resident of the Rio District, spoke towards the School Division's dressed code and meeting conduct policy. • <u>Stacy Norris</u>, spoke on behalf of the HOWS Project, towards consent agenda item #18.4, Ordinance to Amend County Code Chapter 4, Animals and Fowl. • <u>Chuck Hubert Hawkins</u>, resident of the Rivanna District, spoke towards the parking restrictions at the County Office Building. • <u>Peggy Cone</u>, Rio District resident spoke towards the County's current declaration of a state of emergency. • <u>Rolf Braunn</u>, City of Charlottesville resident spoke towards the Jail Board immigrant notification policy. • <u>Richard Hewitt</u>, resident of the Samuel Miller District, spoke towards agenda item #9, Public Safety Pay Plan. • <u>Jeff Richardson</u>, commented on the Declaration of Local Emergency (August 10-12). 		
8.2	<p>FY 2018 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve appropriation #2018098 for local government division projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)	
8.3	<p>Resolution Declaring the Local Emergency Ended - May 30, 2018 Flood Event.</p> <ul style="list-style-type: none"> • ADOPTED resolution Declaration of the Local Emergency, May 30, 2018 Flood Event, ended. 	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 2)	
8.4	<p>Police Department Over-hire.</p> <ul style="list-style-type: none"> • AUTHORIZED ACPD to over-hire one additional police officer over the current FTE staff level. 		
8.5	<p>Climate Action - "We Are Still In" Declaration.</p> <ul style="list-style-type: none"> • AUTHORIZED Board Chair to sign the Declaration. 	(Attachment 3)	
8.6	<p>SDP201800024, Special Exception to Grade within a Required Buffer Area, Crozet Water Treatment Plant Expansion.</p> <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 4)	
8.7	<p>ZMA201500007 – Brookhill Special Exceptions (COD).</p> <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 5)	
8.8	<p>SDP201800027 Verizon – Frys Spring Tier II - Special Exception.</p>	<u>Clerk:</u> Forward copy of signed resolution to Community	

	<ul style="list-style-type: none"> • ADOPTED Resolution to approve the special exception, subject to condition of approval. 	Development and County Attorney's office. (Attachment 6)
8.9	<p>Brook Hill River Park.</p> <ul style="list-style-type: none"> • ADOPTED Resolution approving the County's acquisition of the property; and AUTHORIZED the County Executive to sign all documents necessary for this conveyance once the documents have been approved as to form and substance by the County Attorney. 	<p><u>Clerk</u>: Forward copy of signed resolution to Parks and Recreation and County Attorney's office. (Attachment 7)</p> <p><u>County Attorney</u>: Provide clerk with recorded copy of Deed. (Attachment 8)</p>
8.10	<p>Special Exception Request: The Vistas at South Pantops.</p> <ul style="list-style-type: none"> • ADOPTED resolution approving the special exception, subject to conditions. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)
8.11	<p>SDP201800016 Keswick Hall Additions and Site Improvements – Major Amendment and SDP201800017 Keswick Hall Energy Plant – Major Amendment Critical Slopes Special Exception.</p> <ul style="list-style-type: none"> • ADOPTED Resolution approving the special exception, subject to the condition of approval. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)
8.12	<p>Board of Supervisors Operating Guidelines.</p> <ul style="list-style-type: none"> • ADOPTED Operating Guidelines. 	(Attachment 11)
8.12a	<p>Resolution Declaring the Local Emergency Ended – August 10-12, 2018 Event.</p> <ul style="list-style-type: none"> • APPROVED Declaration of the Local Emergency, August 10-12, 2018 Event ended. 	<u>Clerk</u> : Forward copy of signed resolution to County Attorney's office. (Attachment 12)
9.	<p>Public Safety Pay Plan.</p> <ul style="list-style-type: none"> • By a vote of 5:0:1 (Dill absent), APPROVED the proposed Public Safety Pay Plan with an implementation date of January 1, 2019. • DIRECTED Human Resources, in conjunction with the budget process, bring back a report on the differential between the Sheriff Department's entry pay and Police Department's entry pay and based on the budget analysis, provide a recommendation. 	<u>Human Resources</u> : Proceed as directed.
10.	<p>FY 20 Operating and Capital Budget Calendar and Recommended Process Modifications Including FY 20 Agency Budget Review Team (ABRT) Process.</p> <ul style="list-style-type: none"> • By a vote of 5:0 (Dill absent), ADOPTED the preliminary budget calendar and CONCURED with staffs' recommendation for modifications to the upcoming budget development process, including the County's FY 20 ABRT process. • Ms. Mallek requested an evaluation of times budget work sessions are held. 	<p><u>OMB</u>: Proceed as directed.</p> <p><u>Staff</u>: Proceed as requested.</p>
	<p>Recess.</p> <ul style="list-style-type: none"> • At 4:13 p.m., the Board recessed and reconvened at 4:26 p.m. 	
11.	<p>Update on the Finalization of the Economic Development Strategic Plan.</p> <ul style="list-style-type: none"> • BY CONSENSUS, ENDORSED the goals and objectives of Project ENABLE and DIRECTED staff to return with drafted strategies at a future Board meeting later this fall. 	<u>Roger Johnson</u> : Proceed as authorized.
12.	<p>Board-to-Board, August 2018, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</p> <ul style="list-style-type: none"> • MOVED to consent agenda. 	
13.	<p>CIP Yearly Project Update.</p> <ul style="list-style-type: none"> • RECEIVED. 	

14.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> At 5:30 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; and Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to a pending application for a special use permit. 		
15.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:08 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
16.	<p>Vacancies and Appointments.</p> <ul style="list-style-type: none"> REAPPOINTED, Mr. John Neal to the Places 29 (Hydraulic) Community Advisory Committee, with said term to expire August 5, 2020. APPOINTED, Mr. George Hodson to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Executive Committee, with said term to expire September 30, 2020. APPOINTED, Ms. Catherine Hughes to the Pantops Community Advisory Committee, with said term to expire June 30, 2020. APPOINTED, Mr. Brian MacMillan to the Places 29 (Rio) Community Advisory Committee, with said term to expire September 30, 2020. APPOINTED, Mr. Roger Ray to the Acquisition of Conservation Easements Committee (ACE), with said term to expire August 1, 2021. 		
17.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>Antwon Brison</u>, Culinary Concepts AB, spoke towards lack of sufficient training for restaurant staffing. <u>Nancy Carpenter</u>, resident of the City of Charlottesville spoke towards the creation of an emergency assistance fund for county residents and the School Division's dress code policy. <u>Donni Long</u>, resident of the Rivanna District, spoke towards the Jail Board's policy on immigration notification. <u>JoAnn Robertson</u>, resident of the City of Charlottesville spoke towards anti-bullying and the School Division's dress code policy. <u>Richard Wise</u>, resident of the Samuel Miller District, spoke towards the current declaration of a state of emergency. <u>Megan Bloom</u>, resident of the City of Charlottesville addressed the Board regarding the most recent School Board meeting. <u>Dolly Joseph</u>, resident of the Samuel Miller district, spoke towards the Jail Board immigration notification policy. 		

18.	<p>Action: Keswick Hall & Golf Club: Expansion of Existing Central Water System.</p> <ul style="list-style-type: none"> By a vote of 5:0 (Dill absent), ADOPTED resolution approving the expansion of the existing central water supply system, subject to the conditions. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 13)</p>	
19.	<p><u>FY 19 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Dill absent), ADOPTED resolutions to approve Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects, appropriations #2019025 for local government and school projects and programs. By a vote of 5:0:1 (Dill absent), ADOPTED resolutions to approve appropriations #2019022, #2019023, #2019024, #2019025, #2019026, #2019027, #2019028, #2019029, and #2019030 for local government and school projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolutions to OMB and County Attorney's office. (Attachment 14)</p> <p>(Attachment 15)</p>	
20.	<p><u>Pb. Hrg: ZTA201800004 – Beekeeping.</u></p> <ul style="list-style-type: none"> HELD public hearing. By a vote of 5:0 (Dill absent), DEFERRED to October 4, 2018. Motion to reconsider the deferral date passed by a vote of 5:0 (Dill absent). By a vote of 5:0 (Dill absent), DEFERRED action until October 3, 2018. 	<p><u>Clerk:</u> Schedule on October 3 consent agenda.</p>	
21.	<p><u>Pb. Hrg: ZTA201700010 – Farmers Market Performance Standards.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Dill absent), ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 16)</p>	
22.	<p><u>Pb. Hrg: ZTA 2017-06 Updates and Clarifications to Section 33 Zoning Text Amendments (ZTAs), Zoning Map Amendments (ZMAs), Special Use Permits (SPs) and Special Exceptions.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Dill absent), ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 17)</p>	
23.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Inquired about the process for Legislative Priorities discussion. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Commented on the work by the Albemarle Conservation Easement Authority (formerly the Public Recreational Facilities Authority) on issues regarding distilleries. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Mentioned that he has joined the CORE program. Announced that the construction of the storage tank at the East Rivanna Volunteer Fire Company is almost complete. Reminded the Board of the Solar Summit at Omni on September 13, 2018 <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Complimented the recycling video and requested the addition of composting information. Commented on the local mail service. 		

	<ul style="list-style-type: none"> Inquired about the possibility of the Albemarle County Service Authority, Rivanna Water and Sewer Authority/Rivanna Solid Waste Authority and the Virginia Department of Transportation coordinating projects. <u>Ann Mallek</u>: Mentioned that she will attend a meeting on September 13, 2018 regarding a General Assembly directed pilot program for a VDOT study on the Collation Against Bigger Trucks. Announced that Kathy Tran and Jeff McKay are working on bills to allow implementing solar arrays on schools and public facilities. Commented on the progress by the study committee on the Hugo bill. Inquired about the ground water test well for collecting the Albemarle County Aquafer data. Mentioned that the Guardian Gauntlet will take place at Walnut Creek Park on Saturday, September 8, 2018 at 8:00 a.m. Inquired whether funding for parks projects would be placed in the budget. 		
24.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Jeff Richardson</u>:</p> <ul style="list-style-type: none"> Mentioned that the first Charlottesville Albemarle Convention and Visitors Bureau (CACVB) executive committee meeting will be held on Wednesday, September 12, 2018 from 10:00 a.m. – 12:00 p.m. in Room 241. 		
26.	<p>Adjourn to September 7, 2018, 10:00 a.m., Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 8:10 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 18 Appropriations

Attachment 2 – Resolution Declaring That Local Emergency Is Ended (May 30, 2018 Flood Event)

Attachment 3 – “We Are Still In” Declaration

Attachment 4 – Resolution to Approve Special Exception for SDP 2018-24 Improvements to Crozet Water System Facility

Attachment 5 – Resolution to Approve Special Exception for ZMA201500007 Brookhill

Attachment 6 – Resolution to Approve Special Exception for SDP 201800027 – Verizon – Frys Spring Tier II

Attachment 7 – Resolution Approving the Acceptance of Property to Be Used as A Public Park

Attachment 8 – Deed of Gift

Attachment 9 – Resolution to Approve Special Exception for SDP201800008 The Vistas at South Pantops

Attachment 10 – Resolution to Approve Special Exception for SDP201800016 and SDP201800017

Attachment 11 – Board of Supervisors Operating Guidelines

Attachment 12 – Resolution Declaring that Local Emergency is Ended (August 10-12, 2018 Event)

Attachment 13 – Resolution to Approve Expansion of a Central Water Supply System

Attachment 14 – Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects

Attachment 15 – Resolution to Approve Additional FY 19 Appropriations

Attachment 16 – Ordinance No. 18-18(2)

Attachment 17 – Ordinance No. 18-18(3)

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018098 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 DECLARING THAT LOCAL EMERGENCY IS ENDED
(May 30, 2018 Flood Event)
(Virginia Code § 44-146.21)**

WHEREAS, on May 30, 2018, a major rain event occurred, during which it is estimated that between 8 and 10 inches of rain fell in the most impacted areas (the “Event”) in the County; and

WHEREAS, the Event caused major flooding resulting in the loss of life, property damage, road closures, and the loss of public water in the northern part of the County; and

WHEREAS, because of the adverse impacts of the Event, County Executive Jeffrey B. Richardson, acting in his capacity as the Director of Emergency Management, declared a local emergency on May 30, 2018 pursuant to Virginia Code § 44-146.21; and

WHEREAS, the Albemarle County Board of Supervisors confirmed the Director of Emergency Management’s declaration of a local emergency by resolution adopted on June 6, 2018; and

WHEREAS, there is no longer a need for the County to provide aid or assistance pursuant to, or to exercise the powers conferred by, Virginia Code § 44-146.21.

NOW THEREFORE, BE IT RESOLVED, that there are no further emergency actions related to the Event to be taken; and

BE IT FURTHER RESOLVED, the declared local emergency is ended.

"WE ARE STILL IN" DECLARATION

Since its initial release on June 5, 2017, more than 2,800 leaders from America's city halls, state houses, boardrooms and college campuses, representing more than 160 million Americans and \$6.2 trillion of the U.S. economy have signed the We Are Still In declaration. Hundreds more have signed similar declarations in support of climate action.

Spanning red and blue regions across 50 states, its signatories demonstrate America's enduring commitment to delivering on the promise of the Paris Agreement and America's contribution to it. To date, 'We Are Still In' is the largest cross section of the American economy yet assembled in pursuit of climate action.

AN OPEN LETTER TO THE INTERNATIONAL COMMUNITY AND PARTIES TO THE PARIS AGREEMENT FROM U.S. STATE, LOCAL, AND BUSINESS LEADERS:

We, the undersigned mayors, county executives, governors, tribal leaders, college and university leaders, businesses, faith groups, cultural institutions, and investors are joining forces for the first time to declare that we will continue to support climate action to meet the Paris Agreement.

In December 2015 in Paris, world leaders signed the first global commitment to fight climate change. The landmark agreement succeeded where past attempts failed because it allowed each country to set its own emission reduction targets and adopt its own strategies for reaching them. In addition, nations - inspired by the actions of local and regional governments, along with businesses - came to recognize that fighting climate change brings significant economic and public health benefits.

The Trump administration's announcement undermines a key pillar in the fight against climate change and damages the world's ability to avoid the most dangerous and costly effects of climate change. Importantly, it is also out of step with what is happening in the United States.

In the U.S., it is local, tribal, and state governments, along with businesses, that are primarily responsible for the dramatic decrease in greenhouse gas emissions in recent

years. Actions by each group will multiply and accelerate in the years ahead, no matter what policies Washington may adopt.

In the absence of leadership from Washington, states, cities, counties, tribes, colleges and universities, businesses and investors, representing a sizeable percentage of the U.S. economy will pursue ambitious climate goals, working together to take forceful action and to ensure that the U.S. remains a global leader in reducing emissions.

It is imperative that the world know that in the U.S., the actors that will provide the leadership necessary to meet our Paris commitment are found in city halls, state capitals, colleges and universities, investors and businesses. Together, we will remain actively engaged with the international community as part of the global effort to hold warming to well below 2°C and to accelerate the transition to a clean energy economy that will benefit our security, prosperity, and health.

Addendum to the We Are Still In Declaration Recognizing Community and Economic Resilience (Summer 2018):

American communities are facing unprecedented impacts from climate disasters that science shows are increasing in frequency and severity. The global supply chains on which our communities and economy depend are also threatened, raising the need to increase our capacity to cope with and recover from impacts. Resilience to climate change must be prioritized by the federal government and at every level beyond the federal government. The signatories of We Are Still In share a commitment to elevating the attention and resources directed towards building climate resilience and enhancing the economic and environmental sustainability of the supply chains that power the US economy. They also recognize that action towards meeting both the short and long term goals under the Paris Agreement must ensure the safety and prosperity of American communities and competitiveness.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 2018-24 IMPROVEMENTS TO CROZET WATER SYSTEM FACILITY**

WHEREAS, the Rivanna Water & Sewer Authority ("RWSA") is the owner of Tax Map and Parcel Number 05700-00-00-029B0 (the "Property");

WHEREAS, the owner filed an application to install a sewer line in the buffer to connect the water treatment plant facility to an ACSA sewer line on an adjacent parcel (SDP 2018-24); and

WHEREAS, Albemarle County Code § 18-26.5(c) requires the maintenance of a 30 foot undisturbed buffer zone adjacent to any district other than a commercial or industrial district, which may be waived by special exception; and

WHEREAS, the Applicant filed a request for a special exception in conjunction with SDP 2018-24 to waive the requirements of County Code § 18-26.5(c) to allow the disturbance of the 30 foot buffer zone.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary and staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-26.5(c) and (d), and 18-33.9, and the information provided at the Board of Supervisors' meeting, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the waiver of County Code § 18-26.5(c) as set forth above, subject to the condition attached hereto.

* * *

SDP 2018-24 Improvements to Crozet Water System Facility Special Exception Condition

1. Disturbance of the buffer is limited to that necessary to install a sewer line in the buffer, not exceeding 20 feet in width, to connect the water treatment plant facility to an ACSA sewer line on an adjacent parcel as shown on Sheets entitled "Site and Existing Conditions" on the application plan entitled "Crozet Water Treatment Plant Expansion and Rehabilitation Project, Rivanna Sewer & Water Authority, Request for Special Exception, Albemarle County, Virginia," prepared by Short Elliott Hendrickson (SHE), with an Issue Date of February 22, 2018 (the "Plans").
2. Nine evergreen trees described on Figure 2 of the Plans shall be planted and maintained on the Property in the locations shown on Figure 2.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA201500007 BROOKHILL
TO VARY THE CODE OF DEVELOPMENT**

WHEREAS, the Owner of Tax Map Parcel Numbers 04600-00-00-01800, 04600-00-00-018A0, 04600-00-00-019A0, 04600-00-00-019B1, 04600-00-00-019B3, and 04600-00-00-019B4 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA201500007 Brookhill to eliminate the requirement that the rear setback in Block 4 be adjacent to the Route 29 100 foot buffer and to split the buffer to be provided between the new development in Block 4 and an existing VDOT stormwater management pond located next to Route 29 into two sections as shown on pages 17 and 19 of the Brookhill Code of Development dated August 8, 2018.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA201500007 Brookhill, as described hereinabove, subject to the condition attached hereto.

* * *

**Special Exception to Vary ZMA201500007 Brookhill Code of Development
Special Exception Condition**

1. The special exception shall apply to Block 4 as shown on pages 17 and 19 of the Brookhill Code of Development dated August 8, 2018.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
SDP201800027 – VERIZON – FRY'S SPRING TIER II (5TH STREET STATION)**

WHEREAS, the Owner of Tax Map Parcel 076M1-00-00-00200 filed an application for a Tier II Personal Wireless Service Facility, and the application is identified as Site Development Plan 201800027 (SDP 18-27); and

WHEREAS, SDP 18-27 included a request for a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c); and

WHEREAS, Albemarle County Code § 18-5.1.40(b)(2)(c) requires that antennas be mounted so that in no case shall the closest point of the back of the antenna be more than twelve (12) inches from the facility, which may be modified by special exception.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exception in County Code §§ 18-5.1.40(b)(2)(c), 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirements of County Code 18-5.1.40.(b)(2)(c), subject to the condition attached hereto.

* * *

**SDP201800027 Verizon – Fry's Spring Tier II (5th Street Station)
Special Exception Condition**

1. No antenna authorized by this special exception shall project more than eighteen inches (18") from the monopole to the back of the antenna.

**RESOLUTION APPROVING THE ACCEPTANCE
OF PROPERTY TO BE USED AS A PUBLIC PARK**

WHEREAS, Crocket Corporation owns a certain parcel identified as Tax Map Parcel 04500-00-00-066B0; and

WHEREAS, Crocket Corporation desires to donate Tax Map Parcel 04500-00-00-066B0 to the County for the purpose of creating a County park for the benefit of the public.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the County's acquisition of Tax Map Parcel 04500-00-00-066B0, consisting of approximately 20.4 acres, for use as a County park, and authorizes the County Executive to sign all documents necessary for this conveyance once they have been approved as to substance and form by the County Attorney.

Tax Map / Parcel : 04500-00-00-066B0
 This deed is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and from the Circuit Court Clerk's fees under *Virginia Code* § 17.1-266.
 Assessment: \$72,800.00
 Title Insurer for this transaction: None.

Prepared by and return to:
 Lair D. Haugh, VSB # 25187
 Haugh & Haugh, P.C.
 435 Park Street
 Charlottesville, Virginia 22902

THIS DEED OF GIFT dated this the 1st day of August, 2018, by and between **CROCKETT CORPORATION**, a Virginia corporation, **GRANTOR**, and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, **GRANTEE**, whose address is 401 McIntire Rd., Charlottesville, Virginia 22902.

WITNESSETH:

THAT for reasons sufficient to the Grantor, the said Grantor does hereby GIVE, GRANT, and CONVEY, with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, all that certain lot or parcel of land, with the improvements thereon and appurtenances thereto belonging as described in Schedule A attached hereto.

This conveyance is made expressly subject to any and all easements, conditions, restrictions, covenants, and reservations contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the said property hereby conveyed, as the same may lawfully apply, which have not expired by a time limitation contained therein or have not otherwise become ineffective.

The Grantee, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts this conveyance pursuant to *Virginia Code* § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.

WITNESS the following signatures and seals:

CROCKETT CORPORATION

BY: Ann O. Haugh, President
Ann O. Haugh, President

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville; to-wit:

The foregoing was signed and acknowledged before me this the 1st day of AUGUST, 2018, by Ann O. Haugh, President of Crockett Corporation, Grantor, on behalf of said corporation.

My Commission Expires: 8-31-2020
Notary Registration No. 101961



[Signature]

Notary Public

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Jeffrey B. Richardson, County Executive

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by Jeffrey B. Richardson, County Executive on behalf of the County of Albemarle, Virginia, Grantee.

Notary Public

My Commission Expires: _____
Notary Registration No. _____

Approved as to form:

County Attorney

SCHEDULE A

That certain tract of parcel of land containing 22 acres, more or less, being bounded on the North by the centerline of Virginia State Route 643; on the East by U.S. Route 29; on the South by the center of the South Fork of the Rivanna River; and, on the West by the lands now or formerly of George A. Cason and Hazel J. Cason, et al.; and being a part of the property conveyed to the Grantor herein by deed of Charles R. Haugh and E.J. Oglesby, Jr., Trustees, and E.J. Oglesby, Executor of the Estate of Lucy Elizabeth Berger Oglesby (Elizabeth B. Oglesby), deceased, dated June 20, 1977 and recorded in the Clerk's Office of the Circuit Court of Albemarle County at Deed Book 624, page 193.

LESS AND EXCEPT

(i) That certain tract or parcel of land containing 0.14 acres, more or less, described in that certain Memorandum of Lis Pendens filed by the Virginia Electric and Power Company in said Clerk's Office at Deed Book 801, page 553, and shown on the tax maps of Albemarle County as Parcel ID 04500-00-00-066B1;

(ii) Those certain tracts or parcels of land containing 0.68859 acres, more or less, described as Parcels 002 and 003 in that certain Deed to the Commonwealth of Virginia recorded in said Clerk's Office at Deed Book 1742, page 18; and

(iii) That certain tract or parcel of land containing 55,471 square feet, more or less, described as Parcel 205 in that certain Final Order confirming title in the Commissioner of Highways, recorded in said Clerk's Office at Deed Book 4838, page 65;

BEING the same property shown on the tax maps of Albemarle County as Parcel ID 04500-00-00-066B0.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP201800008 THE VISTAS AT SOUTH PANTOPS**

WHEREAS, the Owner of Tax Map Parcel Number 07800-00-00-02000 (the "Property") filed an Application for a special exception to modify (reduce) the front setback requirements of County Code §§ 18-4.9 and 18-18.8 from 15 feet to 12 feet 4 inches for the two proposed structures closest to South Pantops Drive ("South" building and "North" building), and to waive (eliminate) the front setback requirements of County Code §§ 18-4.9 and 18-18.8 from 15 feet to 0 for the third structure ("West" building), as shown and described on the Application Materials (including the Application for Special Exception memorandum dated July 18, 2018 and the Exhibit Sheets prepared by Powe Studio Architects, PC and dated July 3, 2018).

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-18.1, 18-18.8, 18-4.19, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify and waive the front setback requirements for the development of the Property as set forth above, subject to the conditions attached herein.

* * *

**SDP201800008 The Vistas at South Pantops
Special Exception Conditions**

1. The front setback of the "South" building and the "North" building shall not be less than twelve feet four inches (12' 4"), and shall otherwise be consistent with the terms, details, specifications, and other information contained in the Application Materials (including the application, the Application for Special Exception memorandum dated July 18, 2018, and the Exhibit Sheets prepared by Powe Studio Architects, PC, dated July 3, 2018).
2. The front setback of the "West" building may be zero feet (0') or more, and shall otherwise be consistent with the terms, details, specifications, and other information contained in the Application Materials (including the application, the Application for Special Exception memorandum dated July 18, 2018, and the Exhibit Sheets prepared by Powe Studio Architects, PC, dated July 3, 2018).
3. Grading and construction of the proposed improvements are subject to approval of a Final Site Plan, a Water Protection Ordinance Plan, and a Virginia Stormwater Management Program permit, and all other applicable plan approval(s) and/or permit(s).

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP201800016 KESWICK HALL ADDITIONS AND SITE IMPROVEMENTS- MAJOR
AMENDMENT AND SDP201800017 KESWICK HALL ENERGY PLANT- MAJOR AMENDMENT**

WHEREAS, the Owner of Tax Map Parcels 08000-00-00-008Z0, 08000-00-00-060A0, and 08000-00-00-00900 (collectively, the "Property") filed a request for a special exception in conjunction with SDP201800016 Keswick Hall Additions and Site Improvements - Major Amendment and SDP201800017 Keswick Hall Energy Plant - Major Amendment, to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.5(a), 18-4.2.3(b), 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for the development of the Property, subject to the condition attached hereto.

* * *

**SDP201800016 Keswick Hall Additions and Site Improvements- Major Amendment and
SDP201800017 Keswick Hall Energy Plant- Major Amendment Special Exception Condition**

1. The area of land disturbance on critical slopes shall not exceed 30,031 square feet as shown on Sheet 1 of the plan entitled "Keswick Hall Additions and Site Improvements Critical Slopes Waiver Exhibit" prepared by Timmons Group and dated June 25, 2018.

**ALBEMARLE COUNTY BOARD OF SUPERVISORS
OPERATING GUIDELINES FOR HIGH QUALITY
GOVERNANCE
September 5, 2018**

The Board commits to using the following guidelines to ensure high quality governance:

1. The County's strategic priorities will guide the work of the Board and staff and will be supported by a thoughtful priority setting process and cycle.
2. We will honor the expressed will of the majority and respect the concerns of the minority.
3. We ensure that policy decisions and directions to the County Executive are communicated by the entire Board.
 - Where this is unclear, the County Executive will seek clarification from the Board.
 - No single member of the Board can provide direction on policy implementation to the County Executive.
4. Board Members do not want their interactions with and requests to staff members to negatively impact staff productivity.
 - Staff members should use judgment and explain the resources that would be required to respond to Board requests.
 - If a policy issue is going to affect workload or a policy decision, it should come through the County Executive's office.
5. When a Board Member sends a communication to a staff member, it should be copied to the department director and the appropriate member of the County Executive's Office. Urgent matters will be clearly labeled in the subject line.
6. To assure maximum productivity, the Board should focus on policy-making work and the staff should focus on day-to-day operational work and provide progress reports.
7. We are responsible for our districts, the entire County, and the region; therefore, we should give our best efforts to work for the benefit of all.
8. When a Board Member has a concern regarding staff performance, we go directly to the County Executive in a timely manner so that it can be addressed.

RESOLUTION DECLARING THAT LOCAL EMERGENCY IS ENDED
(August 10-12, 2018 Event)
(Virginia Code § 44-146.21)

WHEREAS, the weekend of August 10-12, 2018 was the first anniversary of last year's so-called "Unite the Right" event which resulted in demonstrations, protests, counter-protests, violence, and threatened violence; and

WHEREAS, because it was anticipated that there would be similar demonstrations, protests, and counter-protests on the weekend of August 10-12, 2018 (the "Event"), the Board of Supervisors authorized the County Executive, acting as the Director of Emergency Management, to declare a local emergency on August 8, 2018 pursuant to Virginia Code § 44-146.21; and

WHEREAS, there is no longer a need for the County to provide aid or assistance pursuant to, or to exercise the powers conferred by, Virginia Code § 44-146.21.

NOW THEREFORE, BE IT RESOLVED, that there are no further emergency actions related to the Event to be taken; and

BE IT FURTHER RESOLVED, the declared local emergency is ended.

**RESOLUTION TO APPROVE
EXPANSION OF A CENTRAL WATER SUPPLY SYSTEM
ON TAX MAP PARCELS 08000-00-00-06200
AND 09400-00-00-042A1**

WHEREAS, on July 11, 2018, the Board of Supervisors approved Historic Hotels of Albemarle LLC's request for a special use permit to amend the previously approved SP200800042 on Tax Map Parcels 08000-00-00-008Z0, 08000-00-00-060A0, and 08000-00-00-00900 (collectively, the "property"), and the application is identified as Special Use Permit SP201800001 Keswick Hall & Golf Club ("SP 2018-01"); and

WHEREAS, Keswick Estates Utilities LLC is the utility provider for Keswick Hall and Golf Club; and

WHEREAS, in conjunction with SP 2018-01, Keswick Estates Utilities LLC requires approval to expand the existing central water supply system to serve residents and other facilities on the properties as approved in SP 2018-01; and

WHEREAS, well expansions are proposed on Tax Map Parcels 08000-00-00-06200 and 09400-00-00-042A1; and

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for this request and all of its attachments, the information presented to the Board of Supervisors, and the factors relevant to central water supply systems in County Code Chapter 16 and the Albemarle County Comprehensive Plan, the Albemarle County Board of Supervisors hereby approves the request to expand the existing central water supply system on Tax Map Parcels 08000-00-00-06200 and 09400-00-00-042A1, subject to the conditions contained herein.

* * *

The Keswick Hall and Golf Club Central Water Supply System Expansion Conditions

1. The additional wells shall be constructed in accord with the VDH-OWD approval letter with conditions and the "Groundwater Exploration Report" dated May 14, 2018.
2. Well completion reports and test results shall be submitted to the County Engineer and final expansion plans and specifications shall be approved by the County Engineer prior to commencing construction of the water system expansion.
3. A VSMP/VESCP permit shall be obtained by the applicant for land disturbance associated with this expansion if it exceeds 10,000 square feet.
4. No certificates of occupancy for the improvements in Phase 1A of the "Water and Wastewater Facilities Plan" shall be issued prior to the approval of the aforementioned water system improvement by the Virginia Department of Health, the Virginia Department of Environmental Quality (if required), Albemarle County Fire Rescue Department, and completion of the aforementioned water system improvement.
5. The operation and maintenance of the expanded well system shall remain the responsibility of the owner (Keswick Estates Utilities LLC).
6. If requested by the County Engineer, the owner shall provide the County Engineer annual documentation of maintenance that demonstrates compliance with all State operation and maintenance requirements.

Resolution to Appropriate FY 19 On-going Funding of Multi-Year Capital Projects

For the Fiscal Year Ending June 30, 2019
Appropriation # 2019025

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

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

Whereas, the encumbrances are estimated at \$4,211,328.23 as of June 30, 2018, and approval of an estimated remaining balance of \$1,997,954.65 for unencumbered capital project balances and special revenue project balances will give the responsible departments and agencies continuous access to project funding; and

Whereas, the total amount of estimated encumbrances and unencumbered capital project balances and special revenue project balances, net of transfers, is \$6,209,282.88 set forth as follows:

Total School Division Capital Improvement Fund:School Division Capital Improvement Fund Appropriations

Telecommunications Network Upgrade	\$625,414.73
Total School Division Capital Improvement Fund Appropriations	\$625,414.73

School Division Capital Improvement Fund Sources

Revenue From Local Sources (Other Transfers)	\$4,247,450.00
Revenue From the Commonwealth	\$526,000.00
Use of Fund Balance	\$(4,148,035.27)
Total School Division Capital Improvement Fund Sources	\$625,414.73

Total General Government Capital Improvement Fund:General Government Capital Improvement Fund Appropriations

Fire Rescue Apparatus Replacement Program	\$845,954.00
City-County Owned Facilities Maintenance/Replacement	\$3,378.00
Cost of Bond Issuance	\$84,949.00
County-Owned Facilities Maintenance/Replacement	\$160,772.88
Geographic Information Services (GIS) Project	\$77,808.01
Greenways/Blueways Program	\$11,569.00
Ivy Materials Utilization Center	\$1,913,005.65
Neighborhood Improvements Funding Initiative (NIFI)	\$34,795.00
Pantops Public Safety Station	\$198,302.13
Places 29 Small Area Study	\$73,060.75
Police Technology Upgrade	\$42,472.00
Rescue 8 Renovation	\$71,018.64
Sidewalk, Hydraulic & Barracks Rd	\$802,154.14
Sidewalk, Ivy Road (US Route 250 West)	\$165,584.50
Sidewalk, Rio Rd. Avon St. Rt 250	\$364,020.20
Time and Attendance System	\$148,821.82
Borrowed Proceeds Transfer	\$4,247,450.00
Total General Government Capital Improvement Fund Appropriations	\$9,245,115.72

General Government Capital Improvement Fund Sources

Borrowed Proceeds	\$4,332,399.00
Revenue From Local Sources (Other Transfers)	\$567,508.39
Revenue From Other Local Sources	\$115,643.84
Use of Fund Balance	\$4,229,564.49
Total General Government Capital Improvement Fund Sources	\$9,245,115.72

Total Water Resources Capital Improvement Fund:Water Resources Capital Improvement Fund Appropriations

Chapel Hill Stream Restoration	\$37,789.82
Hollymead Dam Spillway Improvement	\$350,912.04
Large-Scale Best Management Practice (BMP) Retrofits on Private Lands	\$123,198.92
Water Resources Infrastructure Program	\$74,301.65
Total Water Resources Capital Improvement Fund Appropriations	\$586,202.43

Water Resources Capital Improvement Fund Sources

Revenue From the Commonwealth	\$170,816.00
Use of Fund Balance	\$415,386.43
<hr/>	
Total Water Resources Capital Improvement Fund Sources	\$586,202.43

Total Special Revenue Funds:

Special Revenue Capital Improvement Funds Appropriations

Estes Park Proffer Fund	\$226,151.19
Liberty Hall Proffer Fund	\$2,235.39
Livengood Proffer Fund	\$(177,281.41)
Stonefield Proffer Fund	295,700.00
Westhall 1.2 Proffer Fund	\$3,170.90
Wickham Pond Proffer Fund	\$22,557.83
Willow Glenn Proffer Fund	\$194,974.49
<hr/>	
Total Special Revenue Capital Improvement Funds Appropriations	\$567,508.39

Special Revenue Capital Improvement Funds Sources

Use of Fund Balance	\$567,508.39
<hr/>	
Total Special Revenue Capital Improvement Funds Sources	\$567,508.39

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

Whereas, a properly advertised public hearing was held on September 5, 2018 on the proposed amendment to the FY 19 Budget and all citizens who asked to speak were heard;

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

1. Does hereby budget and appropriate the remaining balance of \$6,209,282.88 for encumbered purchase orders and contracts and the unencumbered capital and special revenue project balances of June 30, 2018, as set forth above;
2. Does hereby authorize the County Executive to adjust this amount downward, if necessary, to accurately reflect the actual encumbered amounts and actual unencumbered capital and special revenue project amounts at the end of FY 18; and
3. Does hereby authorize the County Executive to close out a Capital project and transfer any unencumbered residual funds to the Capital Improvement Fund fund balance.

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 19 Budget is amended to increase it by \$10,247,490.23;
- 2) That Appropriations #2019022, #2019023, #2019024, #2019025, #2019026, #2019027, #2019028, #2019029, and #2019030 are approved; and
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

ORDINANCE NO. 18-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT 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 18, Zoning, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 5.1.47 Farm stands and farmers' markets.
 Sec. 10.2 Permitted uses.
 Sec. 11.3 Permitted uses.
 Sec. 12.2 Permitted uses.

Chapter 18. Zoning**Article II. Basic Regulations****Section 5. Supplementary Regulations**

.....

5.1.47 FARM STANDS AND FARMERS' MARKETS

Each farm stand and farmers' market shall be subject to the following, as applicable:

- a. *Zoning clearance.* Notwithstanding any other provision of this chapter, each farm stand or farmers' market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:
 1. *Application.* Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and a sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.
 2. If the zoning administrator requires information on the sketch plan or mitigation measures that the applicant objects to the applicant may appeal the requirement to the board of supervisors by submitting a written request for appeal to the clerk of the board of supervisors within ten (10) days after the date of the zoning administrator's request. In acting on an appeal, the board shall consider the recommendation of the zoning administrator and all other relevant evidence. The board may approve or deny the request. In approving a request on an appeal, the board may impose reasonable conditions deemed necessary to protect the public health, safety or welfare.
 3. *Notice.* The zoning administrator shall provide written notice that an application for a zoning clearance for a farm stand or by right farmers' market has been submitted to the Virginia Department of Health and to the owner of each abutting lot under different ownership than the lot on which the proposed use would be located. The notice shall identify the proposed use and its size and location and invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance as provided in section 32.4.2.1(g). The review by the Virginia Department of Health shall be independent of the zoning administrator's review of the application for a zoning clearance and the approval of the zoning clearance shall not be dependent on any approval by the Virginia Department of Health. The notice requirements shall not apply to a zoning clearance required for a farmers' market that has been approved by special use permit.

- b. *Structure size.* Structures used in conjunction with a farm stand or farmers' market shall comply with the following:
 - 1. *Farm stands.* Any permanent structure established on and after May 5, 2010 (hereinafter, "new permanent structure") used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area. Any permanent structure, regardless of its size, established prior to May 5, 2010 (hereinafter, "existing permanent structure") may be used for a farm stand provided that if the structure does not exceed one thousand five hundred (1500) square feet gross floor area, its area may be enlarged or expanded so that its total area does not exceed one thousand five hundred (1500) square feet gross floor area, and further provided that if the existing structure exceeds one thousand five hundred (1500) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.
 - 2. *Farmers' markets.* Any new or existing permanent structure may be used for a farmers' market without limitation to its size.
- c. *Yards.* Notwithstanding any other provision of this chapter, the following minimum front, side and rear yard requirements shall apply to a farm stand or farmers' market:
 - 1. *New permanent structures and temporary structures.* The minimum front, side and rear yards required for any new permanent structure or temporary structure shall be as provided in the bulk and area regulations established for the applicable zoning district, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be thirty-five (35) feet. The minimum required yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
 - 2. *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum yard requirement under subsection 5.1.47(c)(1), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement or lot line on May 5, 2010 and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.
- d. *Parking.* Notwithstanding any provision of section 4.12, the following minimum parking requirements shall apply to a farm stand or farmers' market:
 - 1. *Number of spaces.* Each use shall provide one (1) parking space per two hundred (200) square feet of retail area.
 - 2. *Location.* No parking space shall be located closer than ten (10) feet to any public street right-of-way.
 - 3. *Design and improvements.* In conjunction with each request for approval of a zoning clearance, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator shall consult with the county engineer, who shall advise the zoning administrator as to the minimum design and improvements. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning clearance.
- e. In addition to the foregoing, by right farmers' markets shall also comply with the following:
 - 1. *When farmers' markets are not permitted.* A property may not host a farmers' market:
 - (a) More than twice in any week.
 - (b) When the primary use of the property is occurring.
 - 2. *Lights.* No lighting shall be permitted at farmers' markets.

3. *Sound.* No amplified sound shall be permitted at farmers' markets.

4. *Site Plans.* Farmers' markets permitted by sections 10.2.1.33, 11.3.1.31, and 12.2.1.20 shall only be permitted on properties with site plans approved pursuant to section 32 for another by right use or an approved special use. Any buildings or structures utilized for the farmers' market must be shown on the approved site plan. On-site parking at farmers' markets shall only be permitted in parking areas shown on the approved site plan.

(§ 5.1.19, 12-10-80; Ord. 01-18(6), 10-3-01; §5.1.35, Ord. 95-20(3), 10-11-95; § 5.1.36, Ord. 95-20(4), 10-11-95; § 5.1.47, Ord 10-18(4), 5-5-10; Ord. 14-18(4), 11-12-14; Ord. 17-18(3), 8-9-17)

.....

Article III. District Regulations

Section 10. Rural Areas District, RA

.....

Sec. 10.2 Permitted uses.

Sec. 10.2.1 By right.

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 10.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 10.3.
2. Side-by-side duplexes subject to the provisions of section 10.4; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
4. Game preserves, wildlife sanctuaries and fishery uses.
5. (Repealed 5-5-10)
6. Water, sewer, energy, communications distribution facilities (reference 5.1.12).
7. Accessory uses and buildings including major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses (reference 5.1.12).
10. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
11. Veterinary services - off-site treatment only.
12. Agricultural service occupation (subject to performance standards in 4.14).
13. Divisions of land in accordance with section 10.3.
14. Bed and breakfast (reference 5.1.48).
15. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.

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

- 16. Temporary manufactured home in accordance with section 5.7.
 - 17. Farm winery uses, events, and activities authorized by section 5.1.25(a),(b), and (c)(2).
 - 18. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
 - 19. Manufactured homes on individual lots (reference 5.6).
 - 20. Commercial stable (reference 5.1.03).
 - 21. Stormwater management facilities shown on an approved final site plan or subdivision plat
 - 22. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
 - 23. Farm worker housing, Class A (up to ten occupants and up to two sleeping structures) (reference 5.1.44).
 - 24. Country store, Class A (reference 5.1.45).
 - 25. Small wind turbines (reference 5.1.46).
 - 26. (Repealed 11-12-14)
 - 27. Farm stands (reference 5.1.47).
 - 28. Family day homes (reference 5.1.56).
 - 29. Farm brewery uses, events, and activities authorized by section 5.1.57(a), (b), and (c)(2).
 - 30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).
 - 31. Farm distillery uses, events, and activities authorized by section 5.1.59(a), (b), and (c)(2).
 - 32. Group home (reference 5.1.07).
 - 33. Farmers' markets (reference 5.1.47 a-e).
- (§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; § 18-10.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

.....

Sec. 10.2.2 By special use permit.

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

- 1. Community center (reference 5.1.04).
- 2. Clubs and lodges (reference 5.1.02).
- 3. Fire and rescue squad stations (volunteer) (reference 5.1.09).
- 4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).

5. Private schools.
6. Energy and communications transmission facilities (reference 5.1.12).
7. Day care centers (reference 5.1.06).
8. (Repealed 3-5-86)
9. Manufactured home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. (Repealed 3-15-95)
12. Horse show grounds, permanent.
13. Custom slaughterhouse.
14. Sawmills, planing mills and woodyards (reference 5.1.15 and subject to performance standards in 4.14).
15. (Repealed 8-9-17)
16. (Repealed 11-15-95)
17. Commercial kennel (reference 5.1.11 and subject to performance standards in 4.14).
18. Veterinary services, animal hospital (reference 5.1.11 and subject to performance standards in 4.14).
19. Private airport, helistop, heliport, flight strip (reference 5.1.01).
20. Day camp, boarding camp (reference 5.1.05).
21. Sanitary landfill (reference 5.1.14).
22. Country store, Class B (reference 5.1.45).
23. Commercial fruit or agricultural produce packing plants.
24. (Repealed 11-8-89)
25. Flood control dams and impoundments.
26. (Repealed 11-8-89)
27. Restaurants, taverns, and inns that are:
 - a. Located on a site containing a structure that is a historic structure and/or site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure was historically used as a restaurant, tavern or inn or previously approved for such use by special use permit; and (ii) if renovation or restoration of the historic structure is proposed, such changes shall restore the structure as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern or inn use existing within the historic structure and lawfully operating on December 14, 2016; or
 - b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system.
28. Divisions of land as provided in section 10.5.2.1.

29. Boat landings and canoe livery.
30. Permitted residential uses as provided in section 10.5.2.1.
31. (Repealed 1-12-11)
32. Cemetery.
33. Crematorium.
34. (Repealed 3-21-01)
35. Religious assembly use.
36. Gift, craft and antique shops.
37. Public garage.
38. Exploratory drilling.
39. Hydroelectric power generation (reference 5.1.26).
40. Borrow area, borrow pit not permitted under section 10.2.1.18.
41. Convent, Monastery (reference 5.1.29).
42. Temporary events sponsored by local nonprofit organizations which are related to, and supportive of the RA, rural areas, district (reference 5.1.27).
43. Agricultural Museum (reference 5.1.30).
44. Theatre, outdoor drama.
45. (Repealed 11-12-14)
46. Off-site parking for historic structures or sites (reference 5.1.38) or off-site employee parking for an industrial use in an industrial zoning district (reference 5.1.39).
47. Animal shelter (reference 5.1.11).
48. Tier III personal wireless service facilities (reference 5.1.40).
49. Historical centers, historical center special events, historical center festivals (reference 5.1.42).
50. Special events (reference 5.1.43).
51. Farm worker housing, Class B (more than ten occupants or more than two sleeping structures) (reference 5.1.44).
52. Sale of gasoline and other fuels in conjunction with a country store, Class A or Class B (reference 5.1.45).
53. Farm winery uses, events, and activities authorized by section 5.1.25(c)(3).
54. Farmers' markets (reference 5.1.47 a-d).
55. Farm brewery uses, events, and activities authorized by section 5.1.57(c)(3).
56. Events and activities at agricultural operations authorized by special use permit under section 5.1.58(d).
57. Farm distillery uses, events, and activities authorized by section 5.1.59(c)(3).
58. Solar energy systems.

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; § 18-10.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

.....

Section 11. Monticello Historic District, MHD

.....

Sec. 11.3 Permitted uses.

The following uses shall be permitted in the MHD, subject to the regulations in this section and section 8 of this chapter, the approved application plan, and any accepted proffers:

Sec. 11.3.1 By right.

The following uses shall be permitted by right in the MHD:

1. Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
 - a. Interpretative, educational and research uses such as tours; interpretive signs, walking paths, displays and exhibits; classes, workshops, lectures, programs and demonstrations; field schools and history-related day camps; and archaeological laboratories.
 - b. Administrative and support activities including visitor ticketing and shuttle bus operations, maintenance operations, equipment storage, vehicle maintenance and refueling, security and general administration, and related support spaces and offices.
 - c. Visitor amenities including: parking lots; travelways; public restrooms; food and drink preparation and vending; picnic areas; walking paths and pedestrian bridges.
 - d. Display and sale of products related to Thomas Jefferson and the history of Monticello.
 - e. Fundraising activities and cultivation and stewardship events for the public and/or contributors, subject to section 11.5.
 - f. Other uses not expressly delineated in subsection 1(a) through (d) authorized by the zoning administrator after consultation with the director of planning and other appropriate officials; provided that the use shall be consistent with the express purpose and intent of the MHD, similar to the uses delineated in this subsection in character, locational requirements, operational characteristics, visual impact, and traffic generation.
2. Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, the Heritage Harvest Festival, wine festivals, community hiking and racing events, musical performances and concerts, and commemorative events similar to the Lewis and Clark bicentennial, subject to section 11.5.
3. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products.
4. Establishment and changes to structures shown on the approved application plan:
 - a. Modification, improvement, expansion, or demolition of "modern structures" existing on the effective date of this section 11.

- b. Modification, improvement, re-creation, or restoration (including expansion) of “historic or interpretive structures.”
 - c. Establishment of “new primary structures or features” identified as such on the approved application plan.
- 5. Cemeteries.
- 6. Detached single-family dwellings, including guest cottages and rental of the same.
- 7. Side-by-side duplexes; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
- 8. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
- 9. Game preserves, wildlife sanctuaries and fishery uses.
- 10. Water, sewer, energy, communications distribution facilities (reference 5.1.12).
- 11. Accessory uses and structures including home occupation, Class A (reference 5.2) and storage buildings.
- 12. Temporary construction uses (reference 5.1.18).
- 13. Public uses (reference 5.1.12).
- 14. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
- 15. Agricultural service occupation (subject to performance standards in 4.14).
- 16. Divisions of land in accordance with section 10.3.
- 17. (Repealed 4-7-11)
- 18. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases “a” and “b” of the aforementioned uses.
- 19. Farm winery uses, events, and activities authorized by section 5.1.25(a), (b), and (c)(2).
- 20. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
- 21. Commercial stable (reference 5.1.03).
- 22. Stormwater management facilities shown on an approved final site plan or subdivision plat.
- 23. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
- 24. Monticello scholar residences, which shall be private lodging accommodations in dwellings for educators, academic fellows or scholars working on Jefferson related research and/or programs, Thomas Jefferson Foundation program and event participants, persons directly engaged in the programming, research, or operation of Monticello as a historic museum and historic site, and for a sole caretaker.

25. (Repealed 11-12-14)
 26. Farm stands (reference 5.1.47).
 27. Events that are typically conducted on a single day, but which may be conducted for up to three (3) consecutive days, for which attendance is permitted only by invitation or reservation including, but not limited to, meetings, conferences, banquets, dinners, weddings, wedding receptions, and private parties, subject to section 11.5.
 28. Farm brewery uses, events, and activities authorized by section 5.1.57(a), (b), and (c)(2).
 29. Events and activities at agricultural operations authorized by right under section 5.1.58(d).
 30. Farm distillery uses, events, and activities authorized by section 5.1.59(a), (b), and (c)(2).
 31. Farmers' markets (reference 5.1.47 a-e).
- (§ 18-11.3.1, Ord. 05-18(5), 6-8-05; Ord. 08-18(2), 5-7-08; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 18-18(1), 1-10-18)

.....

Section 12. Village Residential District, VR

.....

Sec. 12.2 Permitted uses.

Sec. 12.2.1 By right.

The following uses shall be permitted by right in the VR district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Side-by-side duplexes provided that density is maintained and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Cluster development of permitted residential uses.
4. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
5. (Repealed 9-2-81)
6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
7. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
10. Tourist lodgings (reference 5.1.17).

11. Wayside stands for the display and sale of seasonal agricultural products (reference 5.1.19).
12. Group home (reference 5.1.07).
13. Agriculture.
14. Manufactured homes on individual lots (reference 5.6)
15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
17. Farm sales (reference 5.1.47).
18. Farm stands (reference 5.1.47).
19. Family day homes (reference 5.1.56).
20. Farmers' markets (reference 5.1.47 a-e).

(§ 20-12.2.1, 12-10-80; 9-2-81; 11-1-89; 11-11-92; § 18-12.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

.....

Sec. 12.2.2 By special use permit.

The following uses shall be permitted by special use permit in the VR district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.04).
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.02).
3. Fire and rescue squad stations (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.
6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. Day care, child care or nursery facility (reference 5.1.06).
8. (Repealed 3-5-86)
9. Manufactured home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. Agricultural service occupation.
12. Home occupation, Class B (reference 5.2).
13. Hog farms.
14. Cemeteries.
15. Religious assembly use.

16. Tier III personal wireless service facilities (reference 5.1.40).

17. Historical centers, historical center special events, historical center festivals (reference 5.1.42).

18. Farmers' markets (reference 5.1.47 a-d).

(§ 20-12.2.2, 12-10-80; 9-2-81; 3-5-86; 11-11-92; § 18-12.2.2, Ord. 98-A(1), 8-5-98; Ord. 04-18(2), 10-13-04; Ord 05-18(7), 6-8-05; Ord. 10-18(4), 5-5-10; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

ORDINANCE NO. 18-18(3)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article IV, Procedure, is hereby amended and reordained as follows:

By Amending, Renumbering, and Reorganizing:**Old**

- Sec. 33.1 Purpose and intent.
- Sec. 33.2 Uniform requirements for the initiation of zoning text amendments and zoning map amendments.
- Sec. 33.3 Uniform procedures for zoning text amendments and county-initiated zoning map amendments.
- Sec. 33.4 Uniform procedures for zoning map amendments not initiated by the county and special use permits.
- Sec. 33.5 Uniform procedures for special exceptions.
- Sec. 33.6 Zoning text amendments and zoning map amendments; relevant factors to be considered; effect of approval.
- Sec. 33.7 Owner-initiated zoning map amendment; authority to accept proffers.
- Sec. 33.8 Special use permits; relevant factors to be considered; conditions; revocation.
- Sec. 33.9 Special exceptions; relevant factors to be considered; conditions.

New**Division 1. Zoning Text Amendments**

- Sec. 33.1 Introduction.
- Sec. 33.2 Initiating a zoning text amendment.
- Sec. 33.3 Work sessions, stakeholder meetings, community meetings, and other public engagement.
- Sec. 33.4 Public hearings; notice.
- Sec. 33.5 Recommendation by the Planning Commission.
- Sec. 33.6 Action by the Board of Supervisors.

Division 2. Zoning Map Amendments Initiated by the County

- Sec. 33.7 Introduction.
- Sec. 33.8 Initiating a zoning map amendment.
- Sec. 33.9 Work sessions, stakeholder meetings, community meetings, and other public engagement.
- Sec. 33.10 Public hearings; notice.
- Sec. 33.11 Recommendation by the Planning Commission.
- Sec. 33.12 Action by the Board of Supervisors.

Division 3. Zoning Map Amendments Initiated by an Owner

- Sec. 33.13 Introduction.
- Sec. 33.14 Pre-application meeting.
- Sec. 33.15 Application for a zoning map amendment.
- Sec. 33.16 Information submitted with application; all applications.
- Sec. 33.17 Information submitted with application; conventional districts.
- Sec. 33.18 Information submitted with application; planned development districts, including neighborhood model districts.
- Sec. 33.19 Information submitted with applications; neighborhood model districts.
- Sec. 33.20 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.
- Sec. 33.21 Studies identifying potential impacts of zoning map amendment.

- Sec. 33.22 Proffers.
- Sec. 33.23 Work sessions.
- Sec. 33.24 Community meetings.
- Sec. 33.25 Public hearings; notice.
- Sec. 33.26 Recommendation by the Planning Commission.
- Sec. 33.27 Action by the Board of Supervisors.
- Sec. 33.28 Effect of approval of zoning map amendment; effect of proffers once accepted.
- Sec. 33.29 Resubmitting a similar denied application within one year is prohibited.

Division 4. Special Use Permits

- Sec. 33.30 Introduction.
- Sec. 33.31 Pre-application meeting.
- Sec. 33.32 Application for a special use permit.
- Sec. 33.33 Information the Director of Planning may require to be submitted with application.
- Sec. 33.34 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.
- Sec. 33.35 Studies identifying potential impacts of special use permit.
- Sec. 33.36 Work sessions.
- Sec. 33.37 Community meetings.
- Sec. 33.38 Public hearings; notice.
- Sec. 33.39 Recommendation by the Planning Commission.
- Sec. 33.40 Action by the Board of Supervisors.
- Sec. 33.41 Revoking a special use permit for noncompliance with conditions.
- Sec. 33.42 Resubmitting a similar denied application within one year is prohibited.

Division 5. Special Exceptions

- Sec. 33.43 Introduction.
- Sec. 33.44 Application for a special exception.
- Sec. 33.45 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.
- Sec. 33.46 Studies identifying potential impacts of special exception.
- Sec. 33.47 Public hearings; when required; notice.
- Sec. 33.48 Recommendation by the Planning Commission when required.
- Sec. 33.49 Action by the Board of Supervisors.
- Sec. 33.50 Revoking a special exception for noncompliance with conditions.
- Sec. 33.51 Resubmitting a similar denied application within one year is prohibited.

Division 6. Deferring Action and Withdrawing an Application

- Sec. 33.52 Deferring action.
- Sec. 33.52 Requesting action after deferral.
- Sec. 33.54 Withdrawing an application.

Chapter 18. Zoning

Article IV. Procedure

Section 33

Zoning Text Amendments, Zoning Map Amendments, Special Use Permits, and Special Exceptions

Division 1. Zoning Text Amendments

Sec. 33.1 Introduction.

This division establishes the procedures and requirements for amending the text of this chapter by adopting an ordinance (as used in this division, a “zoning text amendment”). The Board of Supervisors may adopt a zoning text amendment whenever the public necessity, convenience, general welfare, or good zoning practices requires. The Commission shall consider these bases when making a recommendation on a zoning text amendment.

State law reference-Va. Code §§ 15.2-2280, 15.2-2285, 15.2-2286.

Sec. 33.2 Initiating a zoning text amendment.

A zoning text amendment may be initiated as follows:

- A. *By the Board of Supervisors.* The Board of Supervisors may initiate a zoning text amendment by adopting a resolution. Any County resident may request any Board member to ask the Board to initiate a zoning text amendment, or may directly request the Board to initiate a zoning text amendment.
- B. *By the Commission.* The Commission may initiate a zoning text amendment by adopting either a motion or a resolution.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.3 Work sessions, stakeholder meetings, community meetings, and other public engagement.

The Director of Planning may schedule work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board, if applicable. The Director is also authorized to hold stakeholder meetings, community meetings, and other forms of public engagement, as the Director determines to be appropriate or as directed by the Board of Supervisors or the Commission, to consider any proposed zoning text amendment.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.4 Public hearings; notice.

Public hearings on a proposed zoning text amendment are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings, generally.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board pursuant to Virginia Code § 15.2-2204.
- C. *Notice of public hearings, imposing or increasing fees.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board of Supervisors pursuant to Virginia Code §§ 15.2-107 and 15.2-2204 if the proposed zoning text amendment would impose or increase fees under this chapter.

State law reference-Va. Code §§ 15.2-107, 15.2-2204, 15.2-2285, 15.2-2286.

Sec. 33.5 Recommendation by the Planning Commission.

The Commission shall act on a proposed zoning text amendment as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the zoning text amendment as proposed, approval of the zoning text amendment with recommended changes to the text, or disapproval.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board of Supervisors pursuant to Section 33.6.
- C. *Time for recommendation.* The Commission shall make its recommendation on the proposed zoning text amendment within 90 days after the first Commission meeting at which it is considered. The Commission's failure to make a recommendation within the 90-day period is deemed to be a recommendation of approval, unless the Commission extends the 90-day period. If the Commission extends the 90-day period, the Board may at any time direct the Commission to make a recommendation before the deadline established by the Board.

State law reference-Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285.

Sec. 33.6 Action by the Board of Supervisors.

The Board of Supervisors shall act on a proposed zoning text amendment as follows:

- A. *Action.* The Board may either adopt the zoning text amendment, defer action to allow further amendments to the text to be made, not adopt the zoning text amendment, or refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (C).
- B. *Factors to be considered.* In acting on a zoning text amendment, the Board shall reasonably consider the following factors: (i) the existing use and character of property; (ii) the Comprehensive Plan; (iii) the suitability of property for various uses; (iv) the trends of growth or change; (v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; (vi) the community's transportation requirements; (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services; (viii) the conservation of natural resources; (ix) preserving flood plains; (x) protecting life and property from impounding structure failures; (xi) preserving agricultural and forestal land; (xii) conserving properties and their values; and (xiii) encouraging the most appropriate use of land throughout the County. The Board's failure to expressly consider all of these factors does not invalidate its action.
- C. *Time for action.* The Board shall act on a zoning text amendment within a reasonable period as may be necessary not to exceed 12 months after the first meeting at which it was considered by the Commission, unless the Board extends the 12 month period.

State law reference-Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

Division 2. Zoning Map Amendments Initiated by the County

Sec. 33.7 Introduction.

This division establishes the procedures and requirements for amending the zoning map when the proposed amendment is initiated by the County (as used in this division, a "zoning map amendment"). The Board of Supervisors may adopt a zoning map amendment whenever the public necessity, convenience, general welfare, or good zoning practice requires.

State law reference-Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

Sec. 33.8 Initiating a zoning map amendment.

A zoning map amendment may be initiated by the County as follows:

- A. *By the Board of Supervisors.* The Board of Supervisors may initiate a zoning map amendment by adopting a resolution.
- B. *By the Planning Commission.* The Planning Commission may initiate a zoning map amendment by adopting either a motion or a resolution.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.9 Work sessions, stakeholder meetings, community meetings, and other public engagement.

The Director of Planning may schedule work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board, if applicable. The Director is also authorized to hold stakeholder meetings, community meetings, and other forms of public engagement, as the Director determines to be appropriate or as directed by the Board of Supervisors or the Commission, to consider any proposed zoning map amendment initiated by the County.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.10 Public hearings; notice.

Public hearings on a proposed zoning map amendment are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings.* Notice of the public hearings shall be provided as follows:
 - 1. *Published and mailed notice.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board as required by Virginia Code §§ 15.2-2204 and 15.2-2285(C).
 - 2. *Posted notice.* The Department of Community Development shall post notice of the public hearings by posting one or more signs as follows:
 - a. *When a sign must be posted.* The sign shall be posted at least 21 days before the Commission's public hearing and shall remain posted until the Board has acted on the zoning map amendment.
 - b. *Where a sign is to be located.* The sign shall be erected within 10 feet of each boundary line of the parcel(s) that is the subject of the zoning map amendment abutting a street and shall be placed so that it is clearly visible from the street. If more than one street abuts the parcel(s), then either: (i) a sign shall be erected in the same manner as above for each abutting street; or (ii) if the area of the parcel(s) to be used if the zoning map amendment is approved is confined to a particular portion of the parcel(s), a sign erected in the same manner as above for the abutting street that is in closest proximity to, or would be impacted by, the proposed use. A sign need not be posted along Interstate 64 or along any abutting street if the sign would not be visible from that street. If no street abuts the parcel(s), then signs shall be erected in the same manner as above on at least two boundaries of the parcel(s) abutting land that is not subject to the zoning map amendment in locations that are most conspicuous to the public. Before posting a sign on a parcel, the Zoning Administrator shall obtain the consent of the owner to do so if the parcel is not owned by the County.
 - c. *Content of a sign.* Each sign shall state that the parcel(s) is subject to a public hearing and explain how to obtain additional information about the public hearing.
 - d. *Maintaining the sign.* The County shall endeavor to protect each sign from vandalism and theft, maintain each sign in an erect position in its posted location, and ensure that each sign remains legible.
 - e. *Ownership of a sign; violation for removing or tampering with a sign.* Each sign is the property of the County. It is unlawful for any person to remove or tamper with any sign,

except the County or its employees or authorized agents performing maintenance required by this subsection.

- f. *Effect of failure to comply.* If the Department of Community Development fails to post any sign required by this subsection (B)(2):
 1. *Prior to action by the Board.* The Board may defer acting on a zoning text amendment if it finds that the failure to comply with this subsection materially deprived the public of reasonable notice of the public hearing.
 2. *Action is not invalid.* Neither the Commission's recommendation nor the Board's approval of a zoning map amendment is invalid solely because of the failure to post notice as required by this subsection.

State law reference-Va. Code §§ 15.2-2204, 15.2-2285, 15.2-2286.

Sec. 33.11 Recommendation by the Planning Commission.

The Commission shall act on a proposed zoning map amendment as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the zoning map amendment as proposed, approval of the zoning map amendment with recommended changes, or denial of the application.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board of Supervisors pursuant to section 33.12.
- C. *Time for recommendation.* The Commission shall make its recommendation on the proposed zoning map amendment within 90 days after the first Commission meeting at which it is considered. The failure of the Commission to make a recommendation on the matter within the 90-day period shall be deemed to be a recommendation of approval, unless the Commission extends the 90-day period.

State law reference-Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

Sec. 33.12 Action by the Board of Supervisors.

The Board of Supervisors shall act on a proposed zoning map amendment as follows:

- A. *Action.* The Board may either adopt the zoning map amendment, deny the application for a zoning map amendment, or refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (C). The Board may not adopt a zoning map amendment allowing a more intensive use, or including more land, than was contained in the public notice without an additional public hearing after notice is provided pursuant to Virginia Code §§ 15.2-2204 and 15.2-2285(C).
- B. *Factors to be considered.* In acting on a zoning map amendment, the Board shall reasonably consider the following factors: (i) the existing use and character of property; (ii) the Comprehensive Plan; (iii) the suitability of property for various uses; (iv) the trends of growth or change; (v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; (vi) the community's transportation requirements; (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services; (viii) the conservation of natural resources; (ix) preserving flood plains; (x) protecting life and property from impounding structure failures; (xi) preserving agricultural and forestal land; (xii) conserving properties and their values; and (xiii) encouraging the most appropriate use of land throughout the County. The Board's failure to expressly consider all of these factors does not invalidate its action.
- C. *Time for action.* The Board shall act on a zoning text amendment within a reasonable period as may be necessary, not to exceed 12 months after the first meeting at which it was considered by the Commission, unless the Board extends the 12 month period.

State law reference-Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285, 15.2-2286.

Division 3. Zoning Map Amendments Initiated by an Owner

Sec. 33.13 Introduction.

This division establishes the procedures and requirements for amending the zoning map when the amendment is initiated by an owner or other persons authorized by Section 33.15 (as used in this division, a “zoning map amendment”). The Board of Supervisors may adopt a zoning map amendment whenever the public necessity, convenience, general welfare, or good zoning practice requires.

State law reference-Va. Code §§ 15.2-2280, 15.2-2284, 15.2-2285 15.2-2286.

Sec. 33.14 Pre-application meeting.

Any prospective applicant for a zoning map amendment shall request and hold a meeting with the Department of Community Development before filing an application to the County. This meeting is referred to as the “pre-application meeting.”

- A. *Submitting information.* The applicant shall complete and submit information on County-provided forms before or during the pre-application meeting.
- B. *Purposes for a pre-application meeting.* The purposes for a pre-application meeting are to: (i) provide the applicant and the County a common understanding of the proposed project; (ii) inform the applicant about the proposed project’s consistency with the Comprehensive Plan, other relevant policies, and County regulations; (iii) broadly identify the planning, zoning, and other issues raised by the application that need to be addressed by the applicant; (iv) inform the applicant about the applicable procedure; and (v) allow the Director of Planning to identify the information the applicant must submit with the application pursuant to Sections 33.16 through 33.19.
- C. *When a pre-application meeting is not required.* The Director may exercise discretion and decide that a pre-application meeting is not required upon considering the following: (i) whether the proposed use, the proposed density, the proposed scale, potential impacts, and other relevant considerations applying sound zoning principles do not warrant a pre-application meeting; (ii) whether the information that may be required pursuant to Sections 33.16 through 33.19 can be identified without the meeting; (iii) whether the application would be one of a recurring nature for which the required information and the issues raised are well-established for the proposed application; and (iv) whether the application raises any complex issues that create the need for the meeting.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.15 Application for a zoning map amendment.

Each application for a zoning map amendment is subject to the following:

- A. *Who may file an application.* An owner, a contract purchaser with the owner’s consent, or the owner’s authorized agent may file an application for a zoning map amendment (collectively in this division, the “owner” or the “applicant”). In addition:
 - 1. *Amendments to existing proffers.* Proffers that have been accepted by the Board of Supervisors in conjunction with a zoning map amendment may be amended by a later zoning map amendment. An owner whose parcel is subject to proffers may apply to amend the proffers applicable solely to that owner’s parcel. An application to amend proffers is subject to the procedures and requirements of this division, provided that the requirements described below may be waived if the proposed amendment solely pertains to amending proffers that do not affect conditions of use or density and, following consultation with the Director of Planning, the applicant submits a request to the Clerk of the Board before submitting its application for a zoning map amendment:
 - a. *Waiving the requirement for public hearings.* The Board may waive the requirement for a public hearing by the Commission or by the Board, or both, and the associated notice requirements, as otherwise required by this division; and, if the Board waives the requirement for a public hearing by the Commission, it also may waive the requirement for a recommendation from the Commission.

- b. *Waiving procedural requirements.* The Board may waive one or more of the procedural requirements in Sections 33.14, 33.22, and 33.23.
 - c. *Waiving application requirements.* The Board may waive any supplemental information which may otherwise be required to be submitted with an application under Sections 33.16 through 33.19, and determine the number of copies of the application that must be filed.
 - 2. *Amendments to existing planned developments.* An owner within an existing planned development may apply for a zoning map amendment applicable solely to that owner's parcel if it would not result in or require: (i) a change in use, density, or intensity on any other parcel in the planned development; (ii) a change to any regulation in a code of development that would apply to any other parcel in the planned development; (iii) a change to any other owner's express obligation under a regulation in a code of development; or (iv) a change to the application plan that would apply to any other parcel in the planned development.
- B. *Who must sign an application.* The application shall be signed by the owner of each parcel that is the subject of the proposed zoning map amendment. In addition:
- 1. *Amendments to existing proffers.* The signatures of the owners of any other parcels subject to the same proffers are not required when an owner applies to amend the proffers applicable solely to its parcel.
 - 2. *Amendments to existing planned developments.* The signatures of any other owners within an existing planned development are not required if the owner-applicant is eligible to apply for a zoning map amendment applicable solely its parcel as provided in subsection (A)(2).
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of any parcel that is the subject of the application and the authority of each signatory to sign the application on behalf of the owner.
- D. *Application forms.* The Director of Planning may establish appropriate application forms for zoning map amendments. The application forms may identify the information required to be provided pursuant to Sections 33.16 through 33.19.
- E. *Information submitted with an application.* Each application shall include the information identified in Sections 33.16 through 33.19, as applicable, provided that the Director of Planning may, upon written request received from the owner, determine that the owner is not required to provide certain information, depending on: (i) the nature or extent of the proposed zoning map amendment; (ii) the proposed use; (iii) the proposed density; (iv) the proposed district; (v) whether the application is to establish or amend a planned development district, including a neighborhood model district; and (vi) other considerations the Director determines to be relevant applying sound zoning principles.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286, 15.2-2302.

Sec. 33.16 Information submitted with application; all applications.

Each application for a zoning map amendment shall include the following information:

- A. *Project proposal.* A narrative of the project proposal, including its public need or benefit.
- B. *Comprehensive Plan.* A narrative of the proposed project's consistency with the Comprehensive Plan, including the land use plan and the master plan for the applicable development area.
- C. *Impacts on public facilities and infrastructure.* A narrative of the proposed project's impacts on public facilities and public infrastructure.
- D. *Impacts on environmental features.* A narrative of the proposed project's impacts on environmental features.
- E. *Maps.* One or more maps showing the proposed project's regional context and existing natural and manmade physical conditions.
- F. *Recorded plat or boundary survey.* The most recently recorded plat of the parcel(s) composing the

proposed project, or a boundary survey if a portion of one or more parcels compose the proposed project, both of which shall include a metes and bounds description of the boundaries.

- G. *Ownership information.* Documents that verify the identity of all record title owners of the parcel(s) composing the proposed project and documents identifying the authorized signatories of the application and all other related documents.
- H. *Contact person.* The name, address, telephone number, and email address of a single contact person for communications between the county and the applicant.
- I. *Payment of delinquent taxes and other charges.* Satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the parcel that is the subject of the application, that are owed to the County, and have been properly assessed against the parcel, have been paid.
- J. *Other information.* Other special studies or documentation, if applicable, and any other information identified as necessary by the County on the pre-application comment form.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.17 Information submitted with application; conventional districts.

In addition to the information that may be required by Section 33.16, each application for a zoning map amendment to establish or amend a conventional district shall include a conceptual plan showing, as applicable:

- A. *Street network.* The street network, including circulation within the project and connections to existing and proposed or planned streets within and outside of the project.
- B. *Cross-sections.* Typical street cross-sections to show proportions, scale and streetscape/cross-sections/circulation.
- C. *Pedestrian and bicycle facilities.* The general location of pedestrian and bicycle facilities.
- D. *Buildings and parking.* Building envelopes and parking envelopes.
- E. *Public areas.* Public spaces and amenities.
- F. *Conservation and preservation areas.* Areas to be designated as conservation areas and preservation areas.
- G. *Stormwater management.* Conceptual stormwater detention facility locations.
- H. *Grading.* Conceptual grading.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.18 Information submitted with application; planned development districts, including neighborhood model districts.

In addition to the information that may be required by Section 33.16, each application for a zoning map amendment to establish or amend a planned development district, including a neighborhood model district, shall include the following information:

- A. *Map.* If the application is to amend an existing planned development district and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing planned development district. The map shall also identify any area to be added to or deleted from the district, or identify the area to which the amended application plan, code of development, proffers, or any special use permit or special exception would apply.
- B. *Application plan.* If the application is to establish a planned development district, including a neighborhood model district, or to amend an approved application plan for an existing district, the applicant shall submit an application plan showing, as applicable:

1. *Street network.* The street network, including circulation within the project and connections to existing and proposed or planned streets within and outside of the project.
2. *Cross-sections.* Typical street cross-sections to show proportions, scale, and streetscape/cross-sections/circulation.
3. *Pedestrian and bicycle facilities.* The general location of pedestrian and bicycle facilities.
4. *Buildings and parking.* Building envelopes and parking envelopes.
5. *Public areas.* Public spaces and amenities.
6. *Conservation and preservation areas.* Areas to be designated as conservation areas and preservation areas.
7. *Stormwater management.* Conceptual stormwater detention facility locations.
8. *Grading.* Conceptual grading.
9. *Use table.* A use table delineating use types, the number of dwelling units, non-residential square footage, building stories and/or heights, build-to lines, setbacks and yards, and other features.
10. *Topography.* Topography, using the County's geographic information system or more accurate topographical information, and the source of the topographical information, supplemented where necessary by spot elevations and areas of the site where there are existing steep slopes.
11. *Water and sewer systems.* The general layout for water and sewer systems.
12. *Central features and major elements.* The location of central features or major elements within the project essential to the design of the project, such as major employment areas, parking areas and structures, civic areas, parks, open space, green spaces, amenities, and recreation areas.
13. *Development standards.* Development standards, including proposed yards, open space characteristics, and any landscape or architectural characteristics related to scale, proportions, and massing at the edge of the district.
14. *Lot layout.* A conceptual lot layout.
15. *Green spaces and amenities.* If the application is to establish a neighborhood model district, the location of proposed green spaces and amenities as provided in Section 20A.9.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.19 Information submitted with application; neighborhood model districts.

In addition to the information that may be required by Sections 33.16 and 33.18, if the application is to establish a neighborhood model district, the applicant shall provide the following information:

- A. *Statement.* A statement describing how the proposed district satisfies the intent of this chapter and, if one or more characteristics of the neighborhood model delineated in Section 20A.1 are missing from an application, the applicant shall justify why any characteristics cannot or should not be provided.
- B. *Neighborhood model principles.* A narrative explaining the project's consistency with the neighborhood model as described in the Comprehensive Plan.
- C. *Code of development.* A code of development satisfying the requirements of Section 20A.5.
- D. *Parking and loading needs study.* A parking and loading needs study that demonstrates parking needs and requirements. The study shall include strategies to address the parking needs and requirements, including phasing plans, parking alternatives as provided in Section 4.12.8, and transportation demand management strategies as provided in Section 4.12.12. The Director of

Planning may authorize the applicant to submit the parking and loading needs study in conjunction with the initial site plan for the development if the applicant shows to the Director's satisfaction that the uses that may occupy the buildings are not sufficiently known at the time of the zoning map amendment.

- E. *Stormwater management.* Strategies to establish shared stormwater management facilities, off-site stormwater management facilities, and the proposed phasing to establish stormwater management facilities.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.20 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

Each application for a zoning map amendment shall be filed as follows:

- A. *Where to file.* The application shall be filed in the Department of Community Development.
- B. *Number of copies to file.* The Director of Planning may establish for each class of application the number of collated copies of the application required to be filed, to accept electronic applications for filing, or both.
- C. *Determining completeness of the application.* The Director of Planning shall review each filed application as follows:
 - 1. *Timing of the determination of completeness.* The Director shall determine whether an application is complete within 10 days after the application was received. An application that provides all of the required information shall be determined to be complete and be accepted for review and decision. An application omitting any required information is incomplete and shall be deemed to not be filed and shall not be accepted for review and action.
 - 2. *Informing an applicant if the application is incomplete.* If the Director determines that an application is incomplete, he shall inform the applicant by letter identifying what information must be submitted in order for the application to be complete. The letter shall be sent by first class mail or, if consented to by the applicant in writing, by fax or email (collectively, "sent"), or be personally delivered. The letter shall be sent or personally delivered within 10 days after the application was received.
 - 3. *Effect if a timely determination is not made.* If the Director does not send or personally deliver the letter as provided in subsection (C)(2) within the 10-day period, the application shall be deemed to be complete, provided that: (i) the Director may require the applicant to later provide the omitted information within a period specified by the Director; and (ii) the Director may reject the application because it is incomplete if the applicant fails to timely provide the omitted information.
 - 4. *If an application is incomplete; submitting information.* If an application is incomplete, the applicant may submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. The Director shall review the information submitted to determine whether the application is complete as provided in this subsection (C). An incomplete application is void if the applicant fails to submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. If the applicant fails to timely submit the information identified in the letter, the applicant may proceed only by filing a new application.
- D. *Mailed notice that a complete application has been filed.* For zoning map amendments pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- E. *Paying fees.* The applicant shall pay the fees required by Section 35.1 when the application is determined to be complete. The application shall not be reviewed, and any time by which action must be taken by the Commission or the Board of Supervisors shall not begin, until the applicant pays the

fees.

- F. *When an application is determined to be complete; effect.* When the Director of Planning determines that the applicant has submitted all of the required information, it is determined to be complete, it is officially submitted for review and it is deemed to be referred to the Commission for the purpose of calculating the time in which action must be taken pursuant to Sections 33.26 and 33.27.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.21 Studies identifying potential impacts of zoning map amendment.

When the filed application is complete, the Director of Planning may require an applicant to submit studies identifying the nature and extent of potential impacts resulting from a proposed zoning map amendment. In addition:

- A. *Studies pertaining to particular impacts.* The following requirements apply to particular impacts:
1. *Impacts on traffic, generally.* The Director may require a traffic study for any application for a zoning map amendment. The scope of the appropriate traffic study shall be determined by the County's transportation engineer in consultation with the Virginia Department of Transportation.
 2. *Impacts on public transportation facilities, public safety facilities, public school facilities, and public parks; zoning map amendments for new residential development or new residential uses.* For zoning map amendments that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4, studies that identify the impacts of the project on public transportation facilities, public safety facilities, public school facilities, and public parks. The studies shall identify impacts that are specifically attributable to the project and, for impacts to public facilities that are located outside of the project, shall also identify: (i) the extent to which the project creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the zoning map amendment; and (ii) the extent to which the applicant or its successors would receive direct and material benefits from any proffer related to any public facility improvements.
- B. *Form and content of studies; authority of the Director of Planning.* The Director may establish the form and determine the required content of any study.
- C. *Time to submit studies.* The Director may establish deadlines by which any studies must be submitted by the applicant in order to provide County staff adequate time to review the study before scheduling the Commission's public hearing on the application.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286, 15.2-2303, 15.2-2303.4.

Sec. 33.22 Proffers.

The Board of Supervisors may accept proffers pursuant to Virginia Code §§ 15.2-2303 and 15.2-2303.4 in conjunction with zoning map amendments as follows:

- A. *Purpose.* Proffers are reasonable conditions proposed by the applicant governing the use of parcels being rezoned. The conditions are in addition to the regulations in this chapter that apply to the district.
- B. *Form.* Proffers shall be in writing and be in a form that is approved by the County Attorney. The Director of Planning may provide applicants with a proffer statement form.
- C. *Proffers addressing impacts on public transportation facilities, public safety facilities, public school facilities, and public parks; zoning map amendments for new residential development or new residential uses.* For zoning map amendments that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4, any proposed proffers addressing the impacts resulting from the new residential development or new residential uses shall comply with the requirements of Virginia Code § 15.2-2303.4(C).
- D. *Time to submit.* The applicant shall submit proffers by the following deadlines:

1. *Before the Commission's public hearing.* Proposed proffers, regardless of whether they are signed by the owners of all parcels subject to the zoning map amendment, shall be submitted to the Department of Community Development at least 14 days before the Commission's public hearing on the zoning map amendment.
2. *Before the Board of Supervisors' public hearing.* Proposed proffers, signed by the owners of all parcels subject to the zoning map amendment, shall be submitted to the Department of Community Development before the Board's public hearing on the zoning map amendment. The Director of Planning may establish written guidelines that require signed proffers to be submitted a reasonable period of time prior to the public hearing to allow County officers and employees and members of the public a reasonable period of time to review the proffers.

State law reference-Va. Code §§ 15.2-2303, 15.2-2303.4.

Sec. 33.23 Work sessions.

The Director of Planning may schedule one or more work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board ("ARB"), if applicable, on any application for a zoning map amendment, subject to the following:

- A. *Purposes for a work session.* The purposes for a work session are to present the proposed project to the Board, the Commission, or the ARB with the Department of Community Development's analysis of the major issues, seek direction from the Board, the Commission, or the ARB on their expectations in addressing those issues.
- B. *Factors to consider in requiring a work session.* When deciding whether to conduct a work session, the Director shall consider: (i) the nature of the approval requested; (ii) the acreage affected; (iii) the possible impacts that could result from an approved application; and (iv) any other factors deemed relevant upon applying sound zoning principles.
- C. *When an applicant's consent is required.* The applicant's consent to a work session is required if the work session would extend the time for action by the Commission or the Board beyond the deadlines in Sections 33.25 and 33.26.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.24 Community meetings.

The applicant shall schedule and conduct one or more community meetings on any application for a zoning map amendment, unless the requirement for a community meeting is waived as provided in subsection (B), subject to the following:

- A. *Purposes for a community meeting.* The purposes for a community meeting are to provide interested members of the public with the opportunity to receive information about the proposed project, the applicable procedure, the policies of the Comprehensive Plan, other relevant policies, and the regulations applicable to the proposed project, and to allow the public to ask questions about the proposed project.
- B. *Guidelines.* The Director of Planning shall establish written guidelines pertaining to notification of nearby landowners, scheduling, and conducting community meetings.
- C. *Community meeting may be waived; factors to consider.* The Director may waive the requirement for holding a community meeting. The community meeting may be waived when the Director, exercising reasonable discretion, decides that the meeting would not achieve the purposes for the meeting upon considering: (i) whether the application would be likely to generate any public concerns because of the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and the potential impacts; (ii) any other factors deemed relevant upon applying sound zoning principles; and (iii) whether the applicant has already held one or more community meetings regarding the application, making a community meeting under this section unnecessary.
- D. *Holding in conjunction with a citizen advisory committee meeting.* A community meeting may be held during a citizen advisory committee meeting.

- E. *When community meeting is to be held.* A community meeting shall be held prior to the first public hearing on the application for a zoning map amendment.
- F. *Additional community meetings.* The Director may require that an additional community meeting be held prior to a public hearing if a deferral has been requested and a project is resubmitted which is substantially different than the original project.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Sec. 33.25 Public hearings; notice.

Public hearings on an application for a zoning map amendment are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings.* Notice of the public hearings shall be provided as follows:
 - 1. *Published and mailed notice.* The Department of Community Development shall provide notice of the public hearings before the Commission and the Board as required by Virginia Code §§ 15.2-2204 and 15.2-2285(C).
 - 2. *Posted notice.* The Department of Community Development shall post notice of the public hearings by posting one or more signs as follows:
 - a. *When a sign must be posted.* The sign shall be posted at least 21 days before the Commission's public hearing and shall remain posted until the Board has acted on the application or the application has been withdrawn.
 - b. *Where a sign to be located.* The sign shall be erected within 10 feet of each boundary line of the parcel(s) that is the subject of the zoning map amendment abutting a street and shall be placed so that it is clearly visible from the street. If more than one street abuts the parcel(s), then either: (i) a sign shall be erected in the same manner as above for each abutting street; or (ii) if the area of the parcel(s) to be used if the zoning map amendment is approved is confined to a particular portion of the parcel(s), a sign erected in the same manner as above for the abutting street that is in closest proximity to, or would be impacted by, the proposed use. A sign need not be posted along Interstate 64 or along any abutting street if the sign would not be visible from that street. If no street abuts the parcel(s), then signs shall be erected in the same manner as above on at least two boundaries of the parcel(s) abutting land that is not subject to the zoning map amendment in locations that are most conspicuous to the public. Before posting a sign on a parcel, the Zoning Administrator shall obtain the consent of the owner to do so if the parcel is not owned by the County.
 - c. *Content of a sign.* Each sign shall state that the parcel(s) is subject to a public hearing and explain how to obtain additional information about the public hearing.
 - d. *Maintaining the sign.* The applicant shall diligently protect each sign from vandalism and theft, maintain each sign in an erect position in its posted location, and ensure that each sign remains legible. The failure of an applicant to comply with these responsibilities may be cause for the Commission or the Board to defer action on an application until there is reasonable compliance with this subsection.
 - e. *Ownership of a sign; violation for removing or tampering with sign.* Each sign is the property of the County. It is unlawful for any person to remove or tamper with any sign, except the applicant performing maintenance required by this subsection or the Zoning Administrator except the County or its employees or authorized agents performing maintenance required by this subsection.
 - f. *Effect of failure to comply.* If the Department of Community Development fails to post any sign required by this subsection (B)(2):

1. *Prior to action by the Board.* The Board may defer acting on an application if it finds that the failure to comply with this subsection materially deprived the public of reasonable notice of the public hearing.
2. *Action is not invalid.* Neither the Commission's recommendation nor the Board's approval of a zoning map amendment is invalid solely because of the failure to post notice as required by this subsection.

State law reference-Va. Code §§ 15.2-2204, 15.2-2285, 15.2-2286.

Sec. 33.26 Recommendation by the Planning Commission.

The Commission shall act on an application for a zoning map amendment as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the zoning map amendment as proposed, approval of the zoning map amendment with recommended changes, or disapproval. The Commission's recommendation also should include its recommendations on any proposed proffers and, for any application to establish or amend a planned development district, including a neighborhood model district, its recommendations on the application plan, the code of development, and any special exception requested.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board of Supervisors pursuant to Section 33.27.
- C. *Time for recommendation.* The Commission shall make its recommendation on the proposed zoning map amendment within 90 days after the application is determined to be complete. The failure of the Commission to make a recommendation on the matter within the 90-day period shall be deemed to be a recommendation of approval. The 90-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

State law reference-Va. Code §§ 15.2-2284, 15.2-2285, 15.2-2286.

Sec. 33.27 Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a zoning map amendment as follows:

- A. *Action.* The Board may either adopt the zoning map amendment, deny the application for a zoning map amendment, defer acting for a period of up to 36 months from the date the application was determined to be complete to allow changes to be made to the application by the applicant prior to action by the Board, or refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (C).
 1. *Authority to accept proffers.* In approving an application for a zoning map amendment, the Board may accept the proposed proffers.
 2. *Intensification of use classification or expanding the land being rezoned is prohibited without additional notice and hearing.* The Board may not adopt a zoning map amendment allowing
 - a more intensive use, or including more land, than was contained in the public notice without an additional public hearing after notice is provided pursuant to Virginia Code §§ 15.2-2204 and 15.2-2285(C).
- B. *Factors to be considered.* In acting on a zoning map amendment, the Board shall reasonably consider the following factors: (i) the existing use and character of property; (ii) the Comprehensive Plan; (iii) the suitability of property for various uses; (iv) the trends of growth or change; (v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; (vi) the community's transportation requirements; (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services; (viii) the conservation of natural resources; (ix) preserving flood plains; (x) protecting life and property from impounding structure failures; (xi) preserving agricultural and forestal land; (xii) conserving properties and their values; and (xiii) encouraging the most appropriate use of land throughout the County. The Board's failure to expressly consider all of these factors does not invalidate its action. In addition:

1. *Additional factors to be considered when acting on an application to establish planned development district, including a neighborhood model district.* In addition to the other factors relevant to the consideration of a zoning map amendment, the Board shall consider the following when it reviews an application to establish a planned development district, including a neighborhood model district: (i) whether the proposed planned development satisfies the purpose and intent of the planned development district; (ii) whether the area proposed to be rezoned is appropriate for a planned development under the Comprehensive Plan; and (iii) the relation of the proposed planned development to major roads, utilities, public facilities, and public services.
 2. *Additional factors to be considered when acting on an application to amend existing planned development district.* In addition to the other factors relevant to the consideration of a zoning map amendment, the Board shall consider the following when it reviews an application to amend an existing planned development district: (i) whether the proposed amendment reduces, maintains, or enhances the criteria of a planned development stated in Section 8.3; and (ii) the extent to which the proposed amendment impacts the other parcels within the planned development district.
- C. *Amendments to proposed proffers after the public hearing has begun.* The Board may accept, in its sole discretion, amended proffers after the public hearing on the zoning map amendment has begun if it concludes that the amended proffers do not materially affect the overall proposal. If amended proffers are submitted after the public hearing is closed, the Board may accept, in its sole discretion, the amended proffers after holding another public hearing.
- D. *Time for action.* The Board shall act on an application for a zoning map amendment within a reasonable period as may be necessary, not to exceed 12 months after the application was determined to be complete. The 12 month period may be extended if the applicant requests a deferral pursuant to Section 33.52.

State law reference-Va. Code §§ 15.2-2204, 15.2-2284, 15.2-2285, 15.2-2286, 15.2-2303.

Sec. 33.28 Effect of approval of zoning map amendment; effect of proffers once accepted.

The Board of Supervisors' adoption of a zoning map amendment constitutes acceptance of the proffers and also, for any application to establish or amend a planned development district, approval of the application plan, all standards of development, and the code of development. In addition:

- A. *Become part of zoning regulations.* The district designation, the accepted proffers, the approved application plan, the standards of development, and the code of development, are part of the zoning regulations applicable to the parcel(s) that was the subject of the zoning map amendment.
- B. *Effect of proffers once they are accepted.* Once proffered and accepted by the Board in conjunction with an adopted zoning map amendment, the proffers continue in effect until a subsequent zoning map amendment changes the zoning of the parcel(s) subject to the proffers; provided that the proffers continue in effect if the subsequent zoning map amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286, 15.2-2303.

Sec. 33.29 Resubmitting a similar denied application within one year is prohibited.

An owner may not submit an application for a zoning map amendment that is substantially the same as a denied application for a zoning map amendment for the same parcel(s) within one year after the date of the denial by the Board of Supervisors.

State law reference-Va. Code §§ 15.2-2285, 15.2-2286.

Division 4. Special Use Permits

Sec. 33.30 Introduction.

This division establishes the regulations and safeguards for filing, reviewing, and acting on applications for special use permits.

- A. *Power to grant special use permits is reserved by the Board of Supervisors.* The Board of Supervisors reserves the power to consider and approve or deny all applications for special use permits except as the power has been delegated to the Board of Zoning Appeals to consider and approve or deny applications for special use permits as provided in Section 34.5.
- B. *Matters eligible for a special use permit.* The Board may approve special use permits for those use classifications identified in the district regulations allowing identified uses by special use permit.

State law reference-Va. Code § 15.2-2286.

Sec. 33.31 Pre-application meeting.

Any prospective applicant for a special use permit shall request and hold a meeting with the Department of Community Development before filing an application with the Department. This meeting is referred to as the "pre-application meeting."

- A. *Submitting information.* The applicant shall complete and submit information on County-provided forms before or during the pre-application meeting.
- B. *Purposes for a pre-application meeting.* The purposes for a pre-application meeting are to: (i) provide the applicant and the County a common understanding of the proposed project; (ii) inform the applicant about the proposed project's consistency with the Comprehensive Plan, other relevant policies, and County regulations; (iii) broadly identify the planning, zoning, and other issues raised by the application that need to be addressed by the applicant; (iv) inform the applicant about the applicable procedure; and (v) allow the Director of Planning to identify the information the applicant must submit with the application pursuant to Section 33.33.
- C. *When a pre-application meeting is not required.* The Director of Planning, exercising reasonable discretion, may decide that the pre-application meeting would not achieve the purposes for the meeting upon considering the following: (i) whether the proposed use, the proposed density, the proposed scale and potential impacts, and other relevant considerations applying sound zoning principles do not warrant a pre-application meeting; (ii) whether the information delineated in section 33.33 can be identified without the meeting; (iii) whether the application would be one of a recurring nature for which the required information and the issues raised are well-established for the proposed application; and (iv) whether the application raises any complex issues that create the need for the meeting.

State law reference-Va. Code § 15.2-2286.

Sec. 33.32 Application for a special use permit.

Each application for a special use permit shall be filed as follows:

- A. *Who may file an application.* An owner, a contract purchaser with the owner's consent, the owner's authorized agent (collectively in this division, the "owner" or the "applicant"), or an eligible easement holder may file an application for a special use permit. An "eligible easement holder" is a holder of an easement for which the special use permit is sought for a use allowed by the deed of easement or equivalent instrument.
- B. *Who must sign an application.* The application shall be signed by the owner or the eligible easement holder of each parcel that is the subject of the special use permit.
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of, or the easement interest in, any parcel that is the subject of the application and the authority of each signatory to sign the application on behalf of the owner or the eligible easement holder.
- D. *Application forms.* The Director of Planning may establish appropriate application forms for special use permits.
- E. *Information required to be submitted with an application.* Each application shall include the information identified in Section 33.33 required by the Director of Planning to be submitted. In

determining what information the applicant must submit, the Director shall consider the proposed use and other relevant considerations applying sound zoning principles.

State law reference-Va. Code § 15.2-2286.

Sec. 33.33 Information the Director of Planning may require to be submitted with application.

The Director of Planning may require any of the following information to be submitted with an application for a special use permit:

- A. *Project proposal*. A narrative of the project proposal, including its public need or benefit.
- B. *Comprehensive plan*. A narrative of the proposed project's consistency with the Comprehensive Plan, including the land use plan and the master plan for the applicable development area.
- C. *Impacts on public facilities and infrastructure*. A narrative of the proposed project's impacts on public facilities and public infrastructure.
- D. *Impacts on environmental features*. A narrative of the proposed project's impacts on environmental features.
- E. *Maps*. One or more maps showing the proposed project's regional context and existing natural and manmade physical conditions.
- F. *Conceptual plan*. A conceptual plan showing, as applicable:
 - 1. *Street network*. The street network, including circulation within the project and connections to existing and proposed or planned streets within and outside of the project.
 - 2. *Cross-sections*. Typical street cross-sections to show proportions, scale, and streetscape/cross-sections/circulation.
 - 3. *Pedestrian and bicycle facilities*. The general location of pedestrian and bicycle facilities.
 - 4. *Buildings and parking*. Building envelopes and parking envelopes.
 - 5. *Public areas*. Public spaces and amenities.
 - 6. *Conservation and preservation areas*. Areas to be designated as conservation areas and preservation areas.
 - 7. *Stormwater management*. Conceptual stormwater detention facility locations.
 - 8. *Grading*. Conceptual grading.
- G. *Recorded plat or boundary survey*. The most recently recorded plat of the parcel(s) composing the proposed project, or a boundary survey if a portion of one or more parcels compose the proposed project, both of which shall include a metes and bounds description of the boundaries. If the applicant is an easement holder, also the most recently recorded easement plat showing the boundaries of the easement.
- H. *Ownership information*. Documents that verify the identity of all record title owners of the parcel(s) composing the proposed project and documents identifying the authorized signatories of the application and all other related documents.
- I. *Contact person*. The name, address, telephone number, and email address of a single contact person for communications between the County and the applicant.
- J. *Payment of delinquent taxes*. Satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on any parcel that is the subject of the application, that are owed to the County and have been properly assessed against the parcel, have been paid; provided that the payment of delinquent taxes,

nuisance charges, stormwater management utility fees, or other charges shall not be required when the applicant for a special use permit is an easement holder.

- K. *Other information.* Other special studies or documentation, if applicable, and any other information identified as necessary by the County on the pre-application comment form.

State law reference-Va. Code § 15.2-2286.

Sec. 33.34 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

Each application for a special use permit shall be filed as follows:

- A. *Where to file.* The application shall be filed with the Department of Community Development.
- B. *Number of copies to file.* The Director of Planning may establish for each class of application the number of collated copies of the application required to be filed, to accept electronic applications for filing, or both.
- C. *Determining completeness of the application.* The Director of Planning shall review each filed application as follows:
1. *Timing of the determination of completeness.* The Director shall determine whether an application is complete within 10 days after the application was received. An application that provides all of the required information shall be determined to be complete and be accepted for review and decision. An application omitting any required information is incomplete and shall be deemed to not be filed and shall not be accepted for review and action.
 2. *Informing an applicant if the application is incomplete.* If the Director determines that an application is incomplete, the Director shall inform the applicant by letter explaining the reasons why the application was rejected as being incomplete. The letter shall be sent by first class mail, or, if consented to by the applicant in writing, by fax or email (collectively, "sent"), or be personally delivered. The letter shall be sent or personally delivered within 10 days after the application was received.
 3. *Effect if a timely determination is not made.* If the Director does not send or personally deliver the letter as provided in subsection (C)(2) within the 10-day period, the application shall be determined to be complete, provided that: (i) the Director may require the applicant to later provide the omitted information within a period specified by the Director; and (ii) the Director may reject the application because it is incomplete if the applicant fails to timely provide the omitted information.
 4. *If an application is incomplete; submitting information.* If an application is incomplete, the applicant may submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. The Director shall review the information submitted to determine whether the application is complete as provided in this subsection (C). An incomplete application is void if the applicant fails to submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. If the applicant fails to timely submit the information identified in the letter, the applicant may proceed only by filing a new application.
- D. *Paying fees.* The applicant shall pay the fees required by Section 35.1 when the application is determined to be complete. The application shall not be further reviewed until the applicant pays the fees.
- E. *When an application is determined to be complete; effect.* When the Director of Planning determines that the applicant has submitted all of the required information, it is determined to be complete, and it is officially submitted for review for the purpose of calculating the time in which action must be taken pursuant to Sections 33.39 and 33.40.
- F. *Mailed notice to the owner that an application for a special use permit has been filed by an easement holder.* The Department of Community Development shall provide written notice to the owner of the parcel for which a special use permit is sought when an application is filed by an eligible easement

holder. The notice shall be provided within 10 days after the application for the special use permit is determined to be complete. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.

- G. *Mailed notice to certain easement holders that an application for a special use permit has been filed.* For special use permit applications pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.

State law reference-Va. Code § 15.2-2286.

Sec. 33.35 Studies identifying potential impacts of special use permit.

When the filed application is complete, the Director of Planning may require an applicant to submit studies identifying the nature and extent of potential impacts resulting from a proposed special use permit.

State law reference-Va. Code § 15.2-2286.

Sec. 33.36 Work sessions.

The Director of Planning may schedule one or more work sessions before the Board of Supervisors, the Commission, and the Architectural Review Board ("ARB"), if applicable, on any application for a zoning map amendment, subject to the following:

- A. *Purposes for a work session.* The purposes for a work session are to present the proposed project to the Board, the Commission, or the ARB with the Department of Community Development's analysis of the major issues, seek direction from the Board, the Commission, or the ARB on their expectations in addressing those issues.
- B. *Factors to consider in requiring a work session.* When deciding whether to conduct a work session, the Director shall consider: (i) the nature of the approval requested; (ii) the acreage affected; (iii) the possible impacts that could result from an approved application; and (iv) any other factors deemed relevant upon applying sound zoning principles.
- C. *When an applicant's consent is required.* The applicant's consent to a work session shall be required if the work session would extend the time for action by the Commission or the Board beyond the deadlines in Sections 33.39 and 33.40.

State law reference-Va. Code § 15.2-2286.

Sec. 33.37 Community meetings.

The applicant shall schedule and conduct one or more community meetings on any application for a special use permit, unless the requirement for a community meeting is waived as provided in subsection (B), subject to the following:

- A. *Purposes for a community meeting.* The purposes for a community meeting are to provide interested members of the public with the opportunity to receive information about the proposed project, the applicable procedure, the policies of the Comprehensive Plan and other relevant policies, and the regulations applicable to the proposed project, and to allow the public to ask questions about the proposed project.
- B. *Guidelines.* The Director of Planning shall establish written guidelines pertaining to notification of nearby landowners, scheduling, and conducting community meetings.
- C. *Community meeting may be waived; factors to consider.* The Director may waive the requirement for holding a community meeting. The community meeting may be waived when the Director, exercising reasonable discretion, decides that the meeting would not achieve the purposes for the meeting upon

considering: (i) whether the application would be likely to generate any public concerns because of the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and the potential impacts; (ii) any other factors deemed relevant upon applying sound zoning principles; and (iii) whether the applicant has already held one or more community meetings regarding the application, making a community meeting under this section unnecessary.

- D. *Holding in conjunction with a citizen advisory committee meeting.* A community meeting may be held during a citizen advisory committee meeting.
- E. *When community meeting is to be held.* A community meeting shall be held prior to the first public hearing on the application for a zoning map.
- F. *Additional community meetings.* The Director may require that an additional community meeting be held prior to a public hearing if a deferral has been requested and a project is resubmitted which is substantially different than the original project.

State law reference-Va. Code § 15.2-2286.

Sec. 33.38 Public hearings; notice.

Public hearings on an application for a special use permit are required as follows:

- A. *When public hearings are required.* The Commission shall hold at least one public hearing before it makes its recommendation to the Board of Supervisors. After the Board receives the recommendation from the Commission, it shall hold at least one public hearing before acting.
- B. *Notice of public hearings.* Notice of the public hearings shall be provided as follows:
 - 1. *Published and mailed notice.* The Department of Community Development shall provide notice of the public hearing before the Commission and the Board as required by Virginia Code § 15.2-2204(A) and (B), as otherwise required for a zoning map amendment, and Virginia Code § 15.2-2204(C).
 - 2. *Posted notice.* The Department of Community Development shall post notice of the public hearings before the Commission and the Board as follows:
 - a. *When a sign must be posted.* The sign shall be posted at least 21 days before the Commission's public hearing on the application and shall remain posted until the Board has acted on the application or the application has been withdrawn.
 - b. *Where a sign is to be located.* The sign shall be erected within 10 feet of each boundary line of the parcel(s) that is the subject of the special use permit abutting a street and shall be placed so that it is clearly visible from the street. If more than one street abuts the parcel(s), then either: (i) a sign shall be erected in the same manner as above for each abutting street; or (ii) if the area of the parcel(s) to be used if the zoning map amendment is approved is confined to a particular portion of the parcel(s), a sign erected in the same manner as above for the abutting street that is in closest proximity to, or would be impacted by, the proposed use. A sign need not be posted along Interstate 64 or along any abutting street if the sign would not be visible from that street. If no street abuts the parcel(s), then signs shall be erected in the same manner as above on at least two boundaries of the parcel(s) abutting land that is not subject to the zoning map amendment in locations that are most conspicuous to the public. Before posting a sign on a parcel, the Zoning Administrator shall obtain the consent of the owner to do so if the parcel is not owned by the County.
 - c. *Content of a sign.* Each sign shall state that the parcel(s) is subject to a public hearing and explain how to obtain additional information about the public hearing.
 - d. *Maintaining the sign.* The applicant shall diligently protect each sign from vandalism and theft, maintain each sign in an erect position in its posted location, and ensure that each sign remains legible. The failure of an applicant to comply with these responsibilities may be cause for the Commission or the Board to defer action on an application until there is reasonable compliance with this subsection.

- e. *Ownership of a sign; violation for removing or tampering with sign.* Each sign is the property of the County. It is unlawful for any person to remove or tamper with any sign, except the applicant performing maintenance required by this subsection or the Zoning Administrator.
- f. *Effect of failure to comply.* If the Department of Community Development fails to post any sign required by this subsection (B)(2):
 - 1. *Prior to action by the Board.* The Board may defer acting on an application if it finds that the failure to comply with this subsection materially deprived the public of reasonable notice of the public hearing.
 - 2. *Action is not invalid.* Neither the Commission's recommendation nor the Board's approval of a zoning map amendment is invalid solely because of the failure to post notice as required by this subsection.

State law reference-Va. Code §§ 15.2-2204, 15.2-2286.

Sec. 33.39 Recommendation by the Planning Commission.

The Commission shall act on an application for a special use permit as follows:

- A. *Recommendation.* The Commission shall either recommend approval of the application as proposed, approval of the application with changes to be made prior to action on the application by the Board of Supervisors, or denial of the application.
- B. *Factors to be considered.* In making its recommendation, the Commission shall consider the same factors considered by the Board under Section 33.40.
- C. *Conditions.* The Commission's recommendation should include its recommendations on any proposed conditions, applying the same criteria applied by the Board under section 33.40.
- D. *Time for recommendation.* The Commission shall make its recommendation on the application within 90 days after the application is determined to be complete. The failure of the Commission to make a recommendation on the matter within the 90-day period shall be deemed to be a recommendation of approval. The 90-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

State law reference-Va. Code § 15.2-2286.

Sec. 33.40 Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special use permit as follows:

- A. *Action.* The Board may either approve the special use permit, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter back to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered.* In acting on a special use permit, the Board shall consider the following factors, provided that the Board is not required to make specific findings in support of its action:
 - 1. *No substantial detriment.* Whether the proposed special use will be a substantial detriment to adjacent parcels.
 - 2. *Character of the nearby area is unchanged.* Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.
 - 3. *Harmony.* Whether the proposed special use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the district, with the regulations provided in Section 5 as applicable, and with the public health, safety, and general welfare.
 - 4. *Consistency with the Comprehensive Plan.* Whether the proposed special use will be consistent with the Comprehensive Plan.

- C. *Conditions.* In approving a special use permit, the Board may impose reasonable conditions to address any possible impacts of the special use. Except as the Board may specify in a particular case, any condition imposed on a special use shall be deemed to be essential and nonseverable from the permit itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special use permit. The conditions may pertain to, but are not limited to, the following:
1. Preventing or minimizing smoke, dust, noise, traffic congestion, flood, and other hazardous, deleterious or otherwise undesirable substances or conditions.
 2. Providing adequate police and fire protection.
 3. Providing adequate improvements pertaining to transportation, water, sewage, drainage, recreation, landscaping, and screening or buffering.
 4. Establishing special requirements relating to building setbacks, front, side, and rear yards, off-street parking, ingress and egress, hours of operation, outside storage of materials, duration and intensity of use, building heights, and other particular aspects of occupancy or use.
 5. The period by which the use or the construction of any structure required for the use must begin.
 6. The materials and methods of construction or specific design features; provided that any condition imposed in connection with a residential special use permit: (i) shall be consistent with the objective of providing affordable housing if the applicant proposes affordable housing; and (ii) shall consider the impact of the condition on the affordability of housing.
- D. *Time for action.* The Board shall act on an application for a special use permit within a reasonable period not to exceed nine months after the date the Commission made its recommendation on the application. The 12 month period may be extended if the applicant requests a deferral pursuant to Section 33.52.

State law reference-Va. Code § 15.2-2286.

Sec. 33.41 Revoking a special use permit for noncompliance with conditions.

The Board of Supervisors may revoke a special use permit if it determines, after a public hearing, that the permittee or any successor has not complied with any conditions of the permit. Notice of the public hearing shall be as provided in Section 33.38. The written notice given by the Clerk of the Board to the owners, their agents, or the occupants of abutting parcels and parcels immediately across the street from the parcel(s) subject to the special use permit may be given by first-class mail rather than by registered or certified mail.

State law reference-Va. Code §§ 15.2-2204, 15.2-2286.

Sec. 33.42 Resubmitting a similar denied application within one year is prohibited

An owner may not submit an application for a special use permit that is substantially the same as a denied application for a special use permit for the same parcel(s) within one year after the date of the denial by the Board of Supervisors.

State law reference-Va. Code § 15.2-2286.

Division 5. Special Exceptions

Sec. 33.43 Introduction.

This division establishes the regulations and safeguards for filing, reviewing, and acting on applications for special exceptions.

- A. *Power to grant special exceptions is reserved by the Board of Supervisors.* The Board of Supervisors reserves the power to consider and approve or deny all applications for special exceptions.

- B. *Matters eligible for a special exception.* The Board may approve special exceptions to waive, modify, vary, or substitute any requirement of this chapter that is expressly authorized to be waived, modified, varied, or substituted.
- C. *Variations and exceptions distinguished.* A special exception is not required for any matter that may be varied or excepted under Section 32 or Chapter 14, or for developing and constructing residential dwellings at the use, height, and density permitted by right in the applicable district as provided by Virginia Code § 15.2-2288.1.

State law reference-Va. Code § 15.2-2286.

Sec. 33.44 Application for a special exception.

Each application for a special exception shall be filed as follows:

- A. *Who may file an application.* An owner, a contract purchaser with the owner's consent, the owner's authorized agent (collectively in this division, the "owner" or the "applicant"), or an eligible easement holder may file an application for a special exception permit. An "eligible easement holder" is a holder of an easement for which the special exception is sought that pertains to a use allowed by the deed of easement or equivalent instrument.
- B. *Who must sign an application.* The application shall be signed by the owner or the eligible easement holder of each parcel that is the subject of the special exception.
- C. *Documentation regarding the authority to apply.* The Director of Planning may require the applicant to submit documentation establishing ownership of, or the easement interest in, any parcel that is the subject of the application and the authority of each signatory to sign the application on behalf of the owner or the eligible easement holder.
- D. *Application forms.* The Director of Planning may establish appropriate application forms for special exceptions.
- E. *Information required to be submitted with an application.* Each application shall include the information required by the applicable section of this chapter authorizing the waiver, modification, variation, or substitution.

State law reference-Va. Code § 15.2-2286.

Sec. 33.45 Filing the application; determining completeness of the application; paying fees; resubmitting an application originally determined to be incomplete.

Each application for a special exception shall be filed as follows:

- A. *Where to file.* The application shall be filed with the Department of Community Development.
- B. *Number of copies to file.* The Director of Planning may establish for each class of application the number of collated copies of the application required to be filed, to accept electronic applications for filing, or both.
- C. *Determining completeness of the application.* The Director of Planning shall review each filed application as follows:
 - 1. *Timing of the determination of completeness.* The Director shall determine whether an application is complete within 10 days after the application was received. An application that provides all of the required information shall be determined to be complete and be accepted for review and decision. An application omitting any required information is incomplete and shall be deemed to not be filed and shall not be accepted for review and action.
 - 2. *Informing an applicant if the application is incomplete.* If the Director determines that an application is incomplete, the Director shall inform the applicant by letter explaining the reasons why the application was rejected as being incomplete. The letter shall be sent by first class mail, or, if consented to by the applicant in writing, by fax or by email (collectively, "sent"), or be personally delivered. The letter shall be sent or personally delivered within 10 days after the application was received.

3. *Effect if a timely determination is not made.* If the Director does not send or personally deliver the notice as provided in subsection (C)(2) within the 10-day period, the application shall be deemed to be complete, provided that: (i) the Director may require the applicant to later provide the omitted information within a period specified by the Director; and (ii) the Director may reject the application as provided herein if the applicant fails to timely provide the omitted information.
 4. *If an application is incomplete; submitting information.* If an application is incomplete, the applicant may submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. The Director shall review the information submitted to determine whether the application is complete as provided in this subsection (C). An incomplete application is void if the applicant fails to submit all of the information identified in the letter provided in subsection (C)(2) within 90 days after the letter was sent or personally delivered. If the applicant fails to timely submit the information identified in the letter, the applicant may proceed only by filing a new application.
- D. *Paying fees.* The applicant shall pay the fees required by Section 35.1 when the application is determined to be complete. The application shall not be further reviewed until the applicant pays the fees.
- E. *When an application is determined to be complete; effect.* When the Director of Planning determines that the applicant has submitted all of the required information, it is determined to be complete, and it is officially submitted for review for the purpose of calculating the time in which action must be taken pursuant to Sections 33.48 and 33.49.
- F. *Mailed notice to the owner that an application for a special exception has been filed by an easement holder.* The Department of Community Development shall provide written notice to the owner of the parcel for which a special exception is sought when an application is filed by an eligible easement holder. The notice shall be provided within 10 days after the application for the special exception is determined to be complete. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.
- G. *Mailed notice to certain easement holders that an application for a special exception has been filed.* For special exception applications pertaining to a parcel subject to an open-space easement or a conservation easement, the Director of Planning shall provide written notice within 10 days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice shall be sent by first class mail. The notice shall inform the recipient that the application has been filed and describe the nature of the application. An action on an application shall not be declared invalid solely because of the failure to timely mail this notice.

State law reference-Va. Code § 15.2-2286.

Sec. 33.46 Studies identifying potential impacts of special exception.

When the filed application is complete, the Director of Planning may require an applicant to submit studies identifying the nature and extent of potential impacts resulting from a proposed special exception.

State law reference-Va. Code § 15.2-2286.

Sec. 33.47 Public hearings; when required; notice.

Public hearings on an application for a special exception are required as follows:

- A. *When public hearings are required.* The Commission and the Board of Supervisors shall each hold at least one public hearing on any application for a special exception that would increase by greater than 50 percent the bulk or height of an existing or proposed building within one-half mile of an adjoining locality.
- B. *When the Board of Supervisors may elect to have the Commission make a recommendation on the application and to hold one or more public hearings.* When public hearings are not required under subsection (A), the Board may elect, either by policy or for an individual application, to have the

Commission first make a recommendation on the application for a special exception and for either the Commission or itself to hold one or more public hearings.

- C. *Notice of public hearings.* When public hearings are required under subsection (A), the Department of Community Development shall provide notice of the public hearings before the Commission and the Board pursuant to Virginia Code § 15.2-2204(C).

State law reference-Va. Code §§ 15.2-2204, 15.2-2286.

Sec. 33.48 Recommendation by the Planning Commission when required.

The Commission shall act on an application for a special exception as follows:

- A. *When a Commission recommendation is required.* The Commission is required to act on an application for a special exception only if a public hearing on the application is required by Section 33.47(A) or the Board of Supervisors elects to have the Commission consider the application under Section 33.47(B).
- B. *Recommendation.* The Commission shall either recommend approval of the application as proposed, approval of the application with changes to be made prior to action on the application by the Board, or denial of the application.
- C. *Factors to be considered.* In making its recommendation, the Commission shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter.
- D. *Conditions.* The Commission's recommendation should include its recommendations on the proposed conditions.
- E. *Time for a recommendation.* The Commission shall make its recommendation on the application within 45 days after the application is determined to be complete. The failure of the Commission to make a recommendation on the matter within the 45-day period shall be deemed to be a recommendation of approval. The 45-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

State law reference-Va. Code § 15.2-2286.

Sec. 33.49 Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special exception as follows:

- A. *Action.* The Board may either approve the application, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered.* In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.
- C. *Conditions.* In approving a special exception, the Board may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception shall be deemed to be essential and nonseverable from the special exception itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special exception.
- D. *Time for action.* The Board shall act on an application for a special exception within 90 days after the application is determined to be complete. The 90-day period may be extended if the applicant requests a deferral pursuant to Section 33.52.

State law reference-Va. Code § 15.2-2286.

Sec. 33.50 Revoking a special exception for noncompliance with conditions

The Board of Supervisors may revoke a special exception if the Board determines, after a public hearing, that the permittee or any successor has not complied with any conditions of the special exception. Notice of the public hearing shall be as provided in Virginia Code § 15.2-2204. The written notice given by the Clerk of the Board to the owners, their agents, or the occupants of abutting parcels and parcels immediately across the street from the parcel(s) subject to the special exception may be given by first-class mail rather than by registered or certified mail.

State law reference-Va. Code §§ 15.2-2204, 15.2-2286.

Sec. 33.51 Resubmitting a similar denied application within one year is prohibited.

An owner may not submit an application for a special exception that is substantially the same as a denied application for a special exception for the same parcel(s) within one year after the date of the denial by the Board of Supervisors.

State law reference-Va. Code § 15.2-2286.

Division 6. Deferring Action and Withdrawing an Application

Sec. 33.52 Deferring action.

After submitting an application but before action by the Board of Supervisors, an applicant for a zoning map amendment, special use permit, or special exception may request a deferral as follows:

- A. *Request for deferral on applications submitted on and after September 5, 2018.* For any application submitted on and after September 5, 2018, the applicant may request that the County suspend review of the application and extend the time period for action by the Commission or the Board (the terms “suspend review” and “extend the time for action” are collectively referred to as a “deferral” or a variation of that word) as follows:
 1. *Request for deferral.* The applicant shall submit the written request to defer to the Director of Planning. The request shall state the date by which the applicant requests the Board will act on the application, which may not exceed 36 months after the date the application was determined to be complete.
 2. *Limitation.* The application may not be in a state of deferral beyond 32 months after the date the application was determined to be complete if the Commission has not yet held a public hearing on the application; and further provided that the application may not be in a state of deferral beyond 33 months after the date the application was determined to be complete if the Commission has held a public hearing and made a recommendation on the application.
 3. *Effect of receiving request.* Upon the Director of Planning receiving a request for a deferral, review of the application shall stop and any advertised public hearing shall be cancelled. However, an applicant may resubmit information for review according to the published schedule established by the Director in anticipation of action by the Board before the deferral period ends.
- B. *Request for deferral on applications submitted more than 36 months before September 5, 2018.* For any application submitted more than 36 months before September 5, 2018, the applicant shall submit a written request to defer to the Director within 30 days after the applicant receives written notice from the Director about the requirements of this subsection. The Board shall act on the application within 12 months after September 5, 2018,
- C. *Request for deferral on applications submitted less than 36 months before September 5, 2018.* For any application submitted less than 36 months before September 5, 2018, the applicant shall submit a written request to defer to the Director within 30 days after the applicant receives written notice from the Director about the requirements of this subsection. The Board shall act on the application within the 36-month period or a reasonable period of time beyond the 36-month period required to complete the review of the application and to hold any required public hearings,

State law reference-Va. Code § 15.2-2286.

Sec. 33.53 Requesting action after deferral.

After the applicant's request for a deferral is granted by the Director of Planning, the applicant is responsible for requesting action by the Commission or the Board of Supervisors as follows:

- A. *Request for action by the Commission.* When the applicant is ready for action by the Commission, the applicant shall make a written request to the Director of Planning and submit all information necessary for action according to the published schedule established by the Director.
- B. *Request for action by the Board of Supervisors.* When the applicant is ready for action by the Board, the applicant shall make a written request to the Director of Planning and submit all information necessary for action according to the published schedule established by the Director.
- C. *When the request for action must be received.* The written request shall be received by the Director no later than 120 days before the end of the deferral period.
- D. *Action on an application by the Board of Supervisors.* The Board may act on the application at any time before the end of the deferral period; provided that the Board may act on the application as soon thereafter as: (i) the Commission has held a public hearing and made a recommendation; and (ii) County staff has had sufficient time to analyze the application and satisfy all public notice requirements. On any application pending before the Board, the Director of Planning shall coordinate scheduling the application for public hearing or action, or both, with the Clerk of the Board.
- E. *Extension of action beyond the end of the deferral period in extenuating circumstances.* The time for action may be extended beyond the end of the deferral period if there are extenuating circumstances which include, but are not limited to, inclement weather, civil emergencies, or errors in providing public notice as required by State law.

State law reference-Va. Code § 15.2-2286.

Sec. 33.54 Withdrawing an application.

An applicant for a zoning map amendment, special use permit, or special exception may request that its application be withdrawn, or an application may be deemed withdrawn, as follows:

- A. *Withdrawing an application.* An applicant for a zoning map amendment, special use permit, or special exception may request that its application be withdrawn by submitting a written request to withdraw the application as follows:
 - 1. *To whom the request is to be sent.* The written request must be sent to the Director of Planning. If the application is pending before the Board of Supervisors at the time the request is received, the Director shall immediately inform the Clerk of the Board of the request.
 - 2. *When the request must be received.* The request must be received by the Director or the Clerk before the Commission or the Board, as applicable, begins to consider the application on a meeting agenda.
 - 3. *Effect of timely receipt of request to withdraw.* When the request to withdraw is received, the application shall not be further processed or reviewed by County staff, nor acted on by the Commission or the Board.
 - 4. *Resubmitting a similar withdrawn application within one year prohibited.* An owner may not submit an application that is substantially the same as a withdrawn application for the same parcel(s) within one year after the date of the withdrawal.
- B. *When an application is deemed withdrawn.* An application shall be deemed to be voluntarily withdrawn if the applicant requests deferral pursuant to subsection 33.52(A) and fails to provide within 90 days before the end of the deferral period all of the information required to allow the Board to act on the application, or fails to request a deferral as provided in subsection 33.52(B) or (C).

State law reference-Va. Code § 15.2-2286.