

ACTIONS
Board of Supervisors Meeting of February 6, 2019

February 7, 2019

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:02 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, REMOVED §P-61 of item 8.3 (Personnel Policy Amendments). By a vote of 6:0, ADOPTED the final agenda as amended. 	<u>Human Resources:</u> Notify Clerk when ready to schedule on agenda.	
5. Brief Announcements by Board Members. <u>Rick Randolph:</u> <ul style="list-style-type: none"> Reported on the Virginia Association of Planning District Commission meeting held on Friday, February 1, 2019. Reported on Broadband legislation that is currently before the General Assembly. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Reported on legislation that is currently before the General Assembly. 		
7. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> <u>Brad Sheffield</u>, Executive Director JAUNT, voiced his support for the Albemarle Public School bus driver pay increases and thanked the Board for their support in the Regional Transit Partnership with the inclusion of School Bus drivers. 		
8.2 FY 19 Appropriations. <ul style="list-style-type: none"> ADOPTED Resolution to approve appropriations #2019066, #2019067, #2019068, #2019069, #2019070, #2019071, #2019072, #2019073 for local government and school division projects. 	<u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)	Link to video
8.3 Personnel Policy Amendments. <ul style="list-style-type: none"> ADOPTED Resolution to amend, delete, and add personnel policies as set forth by staff. 	<u>Clerk:</u> Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 2)	
8.4 Recommendation of Extended Hours at Ivy Materials Utilization Center. <ul style="list-style-type: none"> ENDORSED staff recommendation that the Ivy MUC facility be opened Mondays for a pilot period of six months and DIRECTED the Albemarle County representatives on the RSWA Board of Directors to sponsor consideration of the recommendations at the next RSWA Board meeting (February 26, 2019). 	<u>RSWA Reps:</u> Proceed as directed.	
Non-Agenda. <ul style="list-style-type: none"> Motion to add a discussion on the Board Rules of Procedures and Policies to the February 20 Board agenda passed by a vote of 6:0. 	<u>Clerk:</u> Add to February 20 agenda.	
9. Proposed Donation of Surplus Vehicles to Piedmont Virginia Community College (PVCC). <ul style="list-style-type: none"> By a vote of 6:0, AUTHORIZED the donation of up to 15 surplus vehicles over the next 5 years to the PVCC Educational Foundation. 	<u>Facilities and Environmental Services:</u> Proceed as directed.	
10. Community Development Work Program, 2019-		

	2022. • RECEIVED.	
11.	Department of Social Services Annual Report. • RECEIVED.	
12.	Bright Stars Annual Report for FY18. • RECEIVED.	
13.	Historic Preservation Committee Update on 2015-2018 Committee Activities. • RECEIVED.	
14.	Closed Meeting. • At 3:38 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and • Under Subsection (6), to discuss and consider the investment of public funds for an affordable housing project in the northern portion of the Scottsville Magisterial District where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County; and • Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board and other parties where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County and the Board. The lawsuits are: 1. Between the Board and the Charlottesville City Council regarding the Ragged Mountain Reservoir; 2. Between the Board and Route 29 LLC; and 3. Between the Board and Global Signal Acquisitions.	
15.	Certify Closed Meeting. • At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting.	
16.	Vacancies and Appointments. • REAPPOINTED , Mr. Frank Stoner to the Architectural Review Board with said term to expire November 14, 2022. • APPOINTED , Mr. Steven Hiss to the Charlottesville/Albemarle Joint Airport Commission with said term to expire December 1, 2021. • REAPPOINTED , David van Roijen to the Equalization Board as the Samuel Miller District representative with said term to expire December 31, 2019. • APPOINTED , Karen Pape to the Equalization Board as the Jack Jouett District representative with said term to expire December 31, 2019.	
17.	From the Public: Matters Not Listed for Public Hearing on the Agenda. • There were none.	
18.	<u>Pb. Hrg: ZTA201800002 Uses on commercially zoned properties not served by public water or approved central water supplies (previously referred to as "Commercial and Industrial zoned properties not served by public water")</u> .	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 3)

<ul style="list-style-type: none"> • By a vote of 5:1 (Galloway), ADOPTED Ordinance to approve ZTA 2018-02. 		
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Mentioned the School Board/ BOS joint meeting held on September 27, 2018 and reflected on a conversation on how the BOS could improve on communication with the School Board and asked Supervisors to consider an alternate means. • Invited Supervisors to the Regional Transit Partnership (RTP) Workshop being held of February 28 at 7pm at the TJPDC Water Street Center. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Spoke on matters before the General Assembly and said that she would try to gather information on SB1701. <p><u>Ned Galloway:</u></p> <ul style="list-style-type: none"> • Reported on meeting with Congressman Denver Riggleman. • Announced that the Regional Housing Partnership Housing Summit kickoff would be held on Friday, April 19, 2019. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> • Reported on the Virginia Association of Planning District Commission (VAPDC) Board meeting. 		
<p>20. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • Reported on lunch meeting with Elizabeth Cromwell, President of the Charlottesville Chamber of Commerce. • Announced that the County has come to an agreement with the Weldon Cooper Center for Public Service and they will be providing a 3-day course for upper and mid-level managers on March 26-28 at the COB. 		
<p>21. Adjourn to February 15, 2019, 12:00 p.m., Room 241.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 8:19 p.m. 		

ckb/tom/dbb

Attachment 1 – Resolution to Approve Additional FY 19 Appropriations

Attachment 2 – Resolution (Personnel Policies)

Attachment 3 – Ordinance No. 19-18(1)

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2019066, #2019067, #2019068, #2019069, #2019070, #2019071, #2019072, #2019073 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2019.

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-901; and

WHEREAS, the Board desires to amend Section P-05, Effect of Criminal Conviction or Arrest; and Section P-24, Recruitment and Selection of Personnel, effective immediately; and

WHEREAS, the Board desires to amend Section P-02, Definition of Employee Status; Section P-60, Salary Administration and Position Classification; and P-89, Workers' Compensation, effective upon the implementation of Kronos, which is expected to be March 1, 2019; and

WHEREAS, the Board desires to delete Section P-41, Release Time for Advanced Study; and to move and amend the provisions from the deleted policy to Section P-87, Professional Leave; and to further amend Section P-87, renaming it Professional Learning Time and Leave, effective upon the implementation of Kronos, which is expected to be March 1, 2019; and

WHEREAS, the Board desires to delete a portion of Section P-80, Absences; and to move and amend the provisions from the deleted portion to Section P-61 at a later time; and

WHEREAS, the Board desires to delete the remaining portion of Section P-80, Absences; to delete Sections P-81, Holidays; P-82, Unpaid Leave of Absence; P-83, Military Leave; P-84, Annual Leave; P-85, Sick Leave; P-88, Emergency Leave; and P-90, Family and Medical Leave Act; and to move and amend the provisions from all of these deleted policies to a new policy, Leave Program, effective upon the implementation of Kronos, which is expected to be March 1, 2019, except Section XIX, which is effective July 1, 2019; and

WHEREAS, the Board desires to add two new policies, Coverage Due to Weather and/or Emergency; and Athletic Coaches, effective upon the implementation of Kronos, which is expected to be March 1, 2019.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby approves the changes to the County of Albemarle Personnel Policies, as described hereinabove, and as set forth on the attached document, attached hereto and incorporated herein, which shall be effective as described hereinabove.

ORDINANCE NO. 19-18(1)

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

By Amending:

- Sec. 22.2.1 By right.
- Sec. 22.2.2 By special use permit.
- Sec. 23.2.1 By right.
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- Sec. 24.2.1 By right.
- Sec. 24.2.2 By special use permit.

Chapter 18. Zoning

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Article III. District Regulations

Section 22. Commercial – C-1

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Sec. 22.2 Permitted uses.

Sec. 22.2.1 By right.

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

- a. The following retail sales and service establishments:
 - 1. Antique, gift, jewelry, notion and craft shops.
 - 2. Clothing, apparel and shoe shops.
 - 3. Department store.
 - 4. Drug store, pharmacy.
 - 5. Florist.
 - 6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
 - 7. Furniture and home appliances (sales and service).
 - 8. Hardware store.
 - 9. Musical instruments.
 - 10. Newsstands, magazines, pipe and tobacco shops.
 - 11. Optical goods.

12. Photographic goods.
 13. Visual and audio appliances.
 14. Sporting goods.
 15. Retail nurseries and greenhouses.
 16. Farmers' markets (reference 5.1.47).
 17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 19. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- b. The following services and public establishments:
1. Administrative, professional offices.
 2. Barber, beauty shops.
 3. Religious assembly use, cemeteries. (Amended 8-9-17)
 4. Clubs, lodges (reference 5.1.02).
 5. Financial institutions.
 6. Fire and rescue squad stations (reference 5.1.09).
 7. Funeral homes.
 8. Health spas.
 9. Indoor theaters.
 10. Laundries, dry cleaners.
 11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
 12. Libraries, museums.
 13. Nurseries, day care centers (reference 5.1.06).
 14. (Repealed 2-6-19)
 15. Tailor, seamstress.
 16. (Repealed 2-6-19)
 17. Water, sewer, energy and communications distribution facilities.
 18. Public uses (reference 5.1.12).
 19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
 20. Dwellings (reference 5.1.21).

21. (Repealed 4-3-13)
 22. Automobile, truck repair shop excluding body shop.
 23. Temporary industrialized buildings (reference 5.8).
 24. Indoor athletic facilities.
 25. (Repealed 5-5-10)
 26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
- c. If the use is served by either public water or an approved central water supply:
 1. Automobile service stations (reference 5.1.20).
 2. Convenience stores.
 3. Eating establishments.
 - d. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
 - e. Any use listed in subsections 22.2.1(a)-(c) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 22.2.2(11).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

Sec. 22.2.2 By special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)

11. Except as provided in subsection 22.2.2(16), uses permitted by right that are either:
 - a. Not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 22.2.2(16), as applicable.

12. Body shop.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation.
16. If the use is not served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Eating establishments.

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; 9-9-92; 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

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Section 23. Commercial Office – CO

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Sec. 23.2 Permitted uses.

Sec. 23.2.1 By right.

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

1. Administrative and business offices.
2. Professional offices, including medical, dental and optical.
3. Financial institutions.
4. Religious assembly use. (Amended 8-9-17)
5. Libraries, museums.
6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than twenty (20) percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
 - Newsstands;
 - Establishments for the sale of office supplies and service of office equipment;
 - Data processing services;
 - Central reproduction and mailing services and the like;

-Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;

-Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;

-Barber shops;

-Beauty shops.

7. Water, sewer, energy and communications distribution facilities.
8. Public uses (reference 5.1.12).
9. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21).
11. Temporary nonresidential mobile homes (reference 5.8).
12. Day care, child care or nursery facility (reference 5.1.6).
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
15. Farmers' markets (reference 5.1.47).
16. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
17. Drive-through windows (reference 5.1.60). (Added 3-2-16)
18. Eating establishments, provided that they: (i) are served by either public water or an approved central water supply; and (ii) comply with the accessory use requirements of subsection 23.2.1(6).
19. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
20. Any use listed in subsections 23.2.1(1)-(18) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 23.2.2(8).

(§ 20-23.2.1, 12-10-80; 3-17-82; 3-5-86; 12-3-86; 11-1-89; 9-9-92; 5-12-93; Ord. 01-18(6), 10-9-01 ; Ord. 04-18(2), 10-13-04; Ord. 09-18(6), 8-5-09; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

Sec. 23.2.2 By special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Hospitals.
2. Funeral homes.
3. Energy and communications transmission facilities.
4. Stand alone parking and parking structures (reference 4.12, 5.1.41).

5. (Repealed 3-2-16)
6. School of special instruction.
7. Clubs, lodges (reference 5.1.2).
8. Except as provided in subsection 23.2.2(18), uses permitted by right that are either:
 - a. Not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 23.2.2(18), as applicable.

9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15. in compliance with regulations set forth therein.
10. Hotels, motels and inns (reference 9.0).
11. Supporting commercial uses (reference 9.0).
12. (Repealed 8-9-17)
13. (Repealed 8-9-17)
14. Indoor athletic facilities.
15. Tier III personal wireless service facilities (reference 5.1.40).
16. Storage/Warehousing/Distribution/Transportation.
17. Manufacturing/Processing/Assembly/Fabrication/Recycling.
18. Eating establishments not served by either public water or an approved central water supply, provided that the eating establishment complies with the accessory use requirements of subsection 23.2.1(6).

(§ 20-23.2.2, 12-10-80; 11-7-84; 1-1-87; 6-14-89; 6-19-91; 6-10-92; 9-15-93; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

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Section 24. Highway Commercial – HC

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Sec. 24.2 Permitted uses.

Sec. 24.2.1 By right.

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

1. Automobile laundries.
2. Automobile, truck repair shops.

3. (Repealed 2-6-19)
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. (Repealed 2-6-19)
8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Manufactured home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. (Repealed 2-6-19)
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.

35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary industrialized buildings (reference 5.8).
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
42. Indoor athletic facilities.
43. Farmers' market (reference 5.1.47).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16)
51. If the use is served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Eating establishments; fast food restaurants.
52. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.
53. Any use listed in subsection 24.2.1(1)-(51)) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 24.2.2(13).

(§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 18-18(1), 1-10-18)

Sec. 24.2.2 By special use permit.

The following uses shall be permitted by special use permit in the HC district:

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
8. Auction houses.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
10. Commercial kennels - indoor only (reference 5.1.11).
11. Stand alone parking and parking structures (reference 4.12, 5.1.41).
12. (Repealed 3-2-16)
13. Except as provided in subsection 24.2.2(18), uses permitted by right that are either:
 - a. Not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day; and/or
 - b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 24.2.2(18), as applicable.
14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
15. Animal shelter (reference 5.1.11).
16. Tier III personal wireless service facilities (reference 5.1.40).
17. Body shops.
18. If the use is not served by either public water or an approved central water supply:
 - a. Automobile service stations (reference 5.1.20).
 - b. Convenience stores.
 - c. Eating establishments; fast food restaurants.

(§ 20-24.2.2, 12-10-80; 1-1-83; 11-7-84; 6-14-89; 6-19-91; 9-9-92; § 18-24.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 11-18(2), 1-12-11; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16)