

<p style="text-align: center;"><b>ACTIONS</b>  <b>Board of Supervisors Meeting of September 2, 2020</b></p>		
		September 3, 2020
<b><u>AGENDA ITEM/ACTION</u></b>	<b><u>ASSIGNMENT</u></b>	<b><u>VIDEO</u></b>
1. Call to Order. <ul style="list-style-type: none"> <li>Meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Doug Walker, Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		<a href="#">Link to Video</a>
4. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>Moved consent item 8.9 from the consent agenda to the regular agenda.</li> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda as amended.</li> </ul>		
5. Brief Announcements by Board Members. <u>Liz Palmer:</u> <ul style="list-style-type: none"> <li>Announced that Blue Ridge Wireless was purchased by Virginia Air Network, who has decided not to continue service in Albemarle County.</li> <li>Announced that this year's Batesville Apple Butter Festival has been cancelled due to the COVID-19 pandemic.</li> </ul> <u>Ann Mallek:</u> <ul style="list-style-type: none"> <li>Mentioned that some areas of the County, had received six inches of rain over the past 36 hrs., and reminded everyone to be careful of high waters on the roadways.</li> <li>Announced that the Census will end at the end of September, not the end of October as has previously been the case.</li> </ul>		
7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <ul style="list-style-type: none"> <li>Not held due to technical difficulties.</li> </ul>		
8.1 FY 2020 Appropriations. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution to approve the appropriations #2020075 and #2020076; for local government projects and programs.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 1)	
8.2 Civil War Monuments and Memorials. <ul style="list-style-type: none"> <li><b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 2)	
8.3 Schedule Public Hearing to Consider Appalachian Power's Request for Easements. <ul style="list-style-type: none"> <li><b>SCHEDULED</b> public hearing to receive comments from the public regarding Appalachian Power's request for easements on County owned properties (TMPs 128A-00-00-01800 and 128A2-00-00-02200.</li> </ul>	<u>Clerk:</u> Schedule public hearing and advertise in Daily Progress.	
8.4 Schedule Public Hearing to Consider Buck's Elbow Mountain Tower Lease. <ul style="list-style-type: none"> <li><b>SET</b> a future public hearing to consider a lease proposal in accordance with Virginia Code §15.2-1800.</li> </ul>	<u>Clerk:</u> Schedule public on a future agenda and advertise in the Daily Progress.	

8.5	<p>Reservoir Road and Wesley Chapel Road Rural Rustic Road Designation.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolutions to designate both Route 702, Reservoir Road and a .10-mile segment of Route 671, Wesley Chapel Road as Rural Rustic Roads.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachment 3 and Attachment 4)</p>	
8.6	<p>SUB202000069 Eastern Avenue Right-of-Way Dedication.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution authorizing the County Executive to sign a plat dedicating a portion of this County-owned property for the proposed Eastern Avenue.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5 and Attachment 6)</p>	
8.7	<p>Round Two CARES Coronavirus Relief Fund (CRF) and Resolution Authorizing County Executive to Execute CARES CRF Documents on Behalf of the Board of Supervisors.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution authorizing the County Executive to execute all documents on behalf of the Board related to COVID-19 matters, including those regarding CARES CRF funding.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Finance, OMB and County Attorney's office. (Attachment 7)</p>	
8.8	<p>Emergency Amendment to Emergency Ordinance to Prevent the Spread of the Novel Coronavirus, SARS-CoV-2, and the Disease it Causes, Commonly Referred to as COVID-19.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office. (Attachment 8)</p>	
9.	<p>Board Rules of Procedure for Virtual and Hybrid Meetings.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Rules of Procedure for Virtual and Hybrid Meetings.</li> </ul>	<p>(Attachment 9)</p>	
10.	<p><b>Discussion:</b> Proposed 2021 Legislative Priorities.</p> <ul style="list-style-type: none"> <li>• <b>Held.</b></li> </ul>	<p><u>County Attorney:</u> Proceed as discussed.</p>	
11.	<p><b>Presentation:</b> The Traffic Impact Analysis Process.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
8.9	<p><b>Presentation:</b> Board-to-Board, August 2020, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</p> <ul style="list-style-type: none"> <li>• <b>RECEIVED.</b></li> </ul>		
12.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 3:36 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>• Under Subsection (1): <ol style="list-style-type: none"> <li>1. To discuss and consider appointments to the Economic Development Authority, the Albemarle Charlottesville Regional Jail Authority, the JAUNT Board, three County advisory committees, and one advisory committee of the Charlottesville-Albemarle Metropolitan Planning Organization; and</li> <li>2. To discuss and consider the annual performance of the Clerk and the County Attorney; and</li> </ol> </li> <li>• Under Subsection (7), to consult with legal counsel and briefings by staff members</li> </ul>		

	<p>pertaining to actual litigation regarding the interpretation of a proffer that had been accepted in conjunction with a rezoning.</p>		
13.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
14.	<p>Vacancies and Appointments.</p> <ul style="list-style-type: none"> <li><b>REAPPOINTED</b> Mr. Robert Finley, Mr. Shawn Brydge, Mr. Thomas Thorpe, and Mr. James Cathro to the 5<sup>th</sup> &amp; Avon Community Advisory Committee with said terms to expire September 30, 2022.</li> <li><b>REAPPOINTED</b> Mr. Martin Meth to the Citizens Transportation Advisory Committee with said term to expire April 3, 2023.</li> <li><b>APPOINTED</b> Mr. Nicholas Garber to the Citizens Transportation Advisory Committee with said term to expire April 3, 2023.</li> <li><b>APPOINTED</b> Ms. Katherine “Kat” Imhoff to the Economic Development Authority as the Samuel Miller District representative with said term to expire January 19, 2024.</li> <li><b>REAPPOINTED</b> Ms. Cyndra Van Clief to the Jail Authority with said term to expire August 6, 2023.</li> <li><b>REAPPOINTED</b> Mr. William (Bill) Wuensch to the JAUNT Board with said term to expire September 30, 2023.</li> <li><b>REAPPOINTED</b> Ms. Nancy Weiss to the Natural Heritage Committee with said term to expire September 30, 2024.</li> <li><b>APPOINTED</b> Mr. Ron Brownfield to the Pantops Community Advisory Committee with said term to expire June 30, 2022.</li> <li><b>REAPPOINTED</b> Ms. Judith (Judy) Schluskel and Mr. Lee Kondor to the Places 20 (Rio) Community Advisory Committee with said terms to expire September 30, 2022.</li> <li><b>APPOINTED</b> Mr. Barry Blumenthal to the Region Ten Community Services Board with said term to expire June 30, 2023.</li> </ul>	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
15.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <li><u>Dusty Rhodes</u>, Orange County resident, spoke on the history of Hampstead Farm and battlefield, and outlined why Hampstead Farm would be the ideal place to relocate the monument and memorial currently located in Court Square park.</li> </ul>		
16.	<p><b><u>Pb. Hrg.: FY 2021 Budget Amendment and Appropriations.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution to approve the appropriations #2021025; #2021026; #2021027 and #2021028 for local government projects and programs.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney’s office. (Attachment 10)</p>	

17.	<b><u>Pb. Hrg.: ZMA201900010 3223 Proffit Road.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>DEFERRED</b> action to September 16, 2020.</li> </ul>	<u>Clerk:</u> Schedule on agenda.	
18.	<b><u>Pb. Hrg.: ZMA2019-004 Breezy Hill.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>DEFERRED</b> at the request of the applicant.</li> </ul>	<u>Clerk:</u> Schedule when ready.	
19.	<b><u>Pb. Hrg.: ZTA202000002 Landscape Contractors.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> ordinance as amended.</li> </ul>	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 11)	
20.	From the Board: Committee Reports and Matters Not Listed on the Agenda. a. Virginia Telecommunication Initiative (VATI) Funding Support. <ul style="list-style-type: none"> <li><b>AUTHORIZED</b> the Chair to sign a letter of support for the Virginia Telecommunications Initiative (VATI) Budget increase for years 2021 and 2022.</li> </ul> b. Regulation of Firearms in County Owned or Used Buildings, Parks, Community Centers, and on Certain Public Rights-of-way. <ul style="list-style-type: none"> <li><b>Discussed.</b></li> </ul>		
21.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Doug Walker:</u> <ul style="list-style-type: none"> <li>Provided an update on the Court Square memorial project.</li> </ul>		
22.	Adjourn to September 8, 2020, 5:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(8). <ul style="list-style-type: none"> <li>At 11:38 p.m., the meeting <b>ADJOURNED</b> to September 8, 2020, 5:00 p.m., by a vote of 6:0.</li> </ul>		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 2020 Appropriations

Attachment 2 – Resolution to Remove Certain Monuments and Memorials in the County-Owned Portion of Court Square Park

Attachment 3 – Resolution to Designate a Segment of Route 702, Reservoir Road, as a Rural Rustic Road

Attachment 4 – Resolution to Designate a Segment of Route 671, Wesley Chapel Road, as a Rural Rustic Road

Attachment 5 – Resolution to Approve the County's Dedication of a Portion of Tax Parcel 056H0-00-00-000C0 to Public Right-of-Way

Attachment 6 – Eastern Avenue (Tax Parcel 056H0-00-00-000C0) Plat

Attachment 7 – Resolution to Authorize the County Executive to Execute COVID-19 Related Documents

Attachment 8 – Ordinance No. 20-E(6)

Attachment 9 – Board of Supervisors Rules of Procedure for Virtual and Hybrid Meetings, adopted September 2, 2020

Attachment 10 – Resolution to Approve Additional FY 2020 Appropriations

Attachment 11 – Ordinance No. 20-18(1)

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2020 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2020075 and #2020076 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, 2020.

**RESOLUTION TO REMOVE CERTAIN MONUMENTS AND MEMORIALS  
IN THE COUNTY-OWNED PORTION OF COURT SQUARE PARK**

**WHEREAS**, Virginia Code § 15.2-1812 authorizes the governing bodies of Virginia counties and cities to remove, relocate, contextualize, or cover certain monuments and memorials; and

**WHEREAS**, on August 6, 2020, the Board held a duly noticed public hearing on its intent to remove, relocate, contextualize, or cover the monuments or memorials identified as “At Ready” (or sometimes referred to as “At the Ready”), cannons, and stacks of cannonballs in the County-owned portion of Court Square Park (collectively, the “Memorials”).

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Board of Supervisors of the County of Albemarle, Virginia will remove the Memorials; and

**BE IT FURTHER RESOLVED** that, as required by Virginia Code § 15.2-1812, the Memorials are hereby offered to any museum, historical society, government, or military battlefield for a 30-day period beginning on August 7, 2020 and ending on September 5, 2020; and

**BE IT FURTHER RESOLVED** that the County Executive is directed to ensure that the Board’s offer of the Memorials for the 30-day period is made to museums, historical societies, governments, and military battlefields; and

**BE IT FURTHER RESOLVED** that any statement of interest in the Memorials from a museum, historical society, government, or military battlefield must be: (1) received by the County by not later than September 5, 2020 if sent by email to [clerk@albemarle.org](mailto:clerk@albemarle.org); (2) postmarked by not later than September 5, 2020 if sent through the United States Postal Service to the Office of the Clerk of the Board of Supervisors, 401 McIntire Road, Charlottesville, Virginia, 22902, and received by September 8, 2020 and before the Board of Supervisors holds a meeting to decide the disposition of the Memorials; or (3) received in the Office of the Clerk of the Board of Supervisors, 401 McIntire Road, Charlottesville, Virginia by September 8, 2020 and before the Board of Supervisors holds a meeting to decide the disposition of the Memorials if hand-delivered or sent by any private parcel service; and

**BE IT FURTHER RESOLVED** that on September 6, 2020, or as soon thereafter as practicable, the Memorials will be removed from Court Square and either be disposed of as directed by the Board exercising its sole authority, or safely stored until the Board exercises its sole authority to determine their final disposition, or a combination of storage and disposal.

**RESOLUTION TO DESIGNATE A SEGMENT OF ROUTE 702,  
RESERVOIR ROAD, AS A RURAL RUSTIC ROAD**

**WHEREAS**, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

**WHEREAS**, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 702, Reservoir Road, from the end of state maintenance to .97-mile east of the end of state maintenance, should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby designates Route 702, Reservoir Road, from the end of state maintenance to .97-mile east of the end of state maintenance, as a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

**BE IT FURTHER RESOLVED**, the Board requests that Route 702, Reservoir Road, from the end of state maintenance to .97-mile east of the end of state maintenance, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.

**RESOLUTION TO DESIGNATE A SEGMENT OF ROUTE 671,  
WESLEY CHAPEL ROAD, AS A RURAL RUSTIC ROAD**

**WHEREAS**, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

**WHEREAS**, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 671, Wesley Chapel Road, from Route 668 Chapel Spring Lane to Route 668 Fox Mountain Road, should be designated as a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby designates Route 671, Wesley Chapel Road, from Route 668 Chapel Spring Lane to Route 668 Fox Mountain Road, as a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

**BE IT FURTHER RESOLVED**, the Board requests that Route 671, Wesley Chapel Road, from Route 668 Chapel Spring Lane to Route 668 Fox Mountain Road, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.



**RESOLUTION TO APPROVE THE COUNTY'S DEDICATION OF A PORTION OF TAX PARCEL 056H0-00-00-000C0 TO PUBLIC RIGHT-OF-WAY**

**WHEREAS**, the Crozet Master Plan identifies Eastern Avenue as an important part of Crozet's transportation improvements; and

**WHEREAS**, the County owns approximately one acre of property adjacent to a segment of Eastern Avenue (Tax Parcel 056H0-00-00-000C0), identified as open space on the plat of record; and

**WHEREAS**, the County's dedication of an approximately .057-acre portion of the property is required by VDOT for its acceptance of Eastern Avenue.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Albemarle, Virginia, hereby approves the County's dedication of approximately .057 acres of Tax Parcel 056H0-00-00-000C0 to public use, and authorizes the County Executive to execute a plat and any related documents on behalf of the County after such documents are approved as to substance and form by the County Attorney.



COUNTY APPROVAL

AGENT FOR THE BOARD OF SUPERVISORS DATE

INDEX

- V1 - COVER SHEET
- V2 - RIGHT-OF-WAY DEDICATION
- V3 - EXISTING EASEMENTS
- V4 - SLOPE/MAINTENANCE & DRAINAGE EASEMENTS
- V5 - GREENWAY EASEMENT



**ROUDABUSH, GALE & ASSOCIATES, INC.**  
ENGINEERS, SURVEYORS AND LAND PLANNERS  
A PROFESSIONAL CORPORATION  
SINCE 1958  
914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902  
PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM



RIGHT-OF-WAY DEDICATION AND EASEMENT PLAT  
EASTERN AVENUE  
TMP 56K-A2, TMP 56K--04-A,  
TMP 56H-C AND TMP 56L-C  
WHITE HALL MAGISTERIAL DISTRICT, ALBEMARLE COUNTY, VIRGINIA  
COVER SHEET

DATE:	03-20-2020
REV:	05-08-2020
REV:	06-30-2020
REV:	07-20-2020
REV:	08-04-2020
SCALE	AS SHOWN
FILE:	6234
FILE:	V1

SHEET:  
VI  
OF 06

**STATEMENT OF TITLE: TMP 56L-C**  
THE LAND SHOWN WAS OBTAINED BY STANLEY MARTIN COMPANIES, LLC AS RECORDED IN DEED BOOK 5228 PAGE 308, PLAT RECORDED IN DEED BOOK 4316 PAGE 1, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE REQUIREMENTS REGARDING THE PLATING OF SUBDIVISIONS.

**STATEMENT OF CONSENT TO DIVISION**  
THE PLATING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, KNOWN AS TAX MAP 56L PARCEL C, ACCORDING TO COUNTY RECORDS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES, IF ANY.

STANLEY MARTIN COMPANIES, LLC  
11710 PLAZA AMERICA DRIVE SUITE 1100  
RESTON, VA 20190  
COUNTY OF ALBEMARLE, VIRGINIA -  
CITY/COUNTY OF:  
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 20  
SIGNATURE OF NOTARY PUBLIC

**STATEMENT OF TITLE: TMP 56H-C**  
THE LAND SHOWN WAS OBTAINED BY COUNTY OF ALBEMARLE, VIRGINIA AS RECORDED IN DEED BOOK 4081 PAGE 81, PLAT RECORDED IN DEED BOOK 4077 PAGE 175, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE REQUIREMENTS REGARDING THE PLATING OF SUBDIVISIONS.

**STATEMENT OF CONSENT TO DIVISION**  
THE PLATING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, KNOWN AS TAX MAP 56H PARCEL C, ACCORDING TO COUNTY RECORDS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES, IF ANY.

COUNTY OF ALBEMARLE, VIRGINIA  
COMMONWEALTH OF VIRGINIA -  
CITY/COUNTY OF:  
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 20  
SIGNATURE OF NOTARY PUBLIC

**STATEMENT OF TITLE: TMP 56K--04-A**  
THE LAND SHOWN WAS OBTAINED BY THE HOMEOWNERS ASSOCIATION OF Foothills Crossing, INC AS RECORDED IN DEED BOOK 5198 PAGE 95, PLAT RECORDED IN DEED BOOK 5198 PAGE 95, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE REQUIREMENTS REGARDING THE PLATING OF SUBDIVISIONS.

**STATEMENT OF CONSENT TO DIVISION**  
THE PLATING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, KNOWN AS TAX MAP 56K PARCEL 04-A, ACCORDING TO COUNTY RECORDS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES, IF ANY.

THE HOMEOWNERS ASSOCIATION OF  
FOOTHILLS CROSSING, INC  
PO BOX 1467  
CHARLOTTESVILLE, VA 22902  
COMMONWEALTH OF VIRGINIA -  
CITY/COUNTY OF:  
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 20  
SIGNATURE OF NOTARY PUBLIC

**STATEMENT OF TITLE: TMP 56K-A2**  
THE LAND SHOWN WAS OBTAINED BY GLENBROOK, LLC AS RECORDED IN DEED BOOK 5208 PAGE 408, PLAT RECORDED IN DEED BOOK 4797 PAGE 549 AND DEED BOOK 4797 PAGE 262, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE REQUIREMENTS REGARDING THE PLATING OF SUBDIVISIONS.

**STATEMENT OF CONSENT TO DIVISION**  
THE PLATING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, KNOWN AS TAX MAP 56K PARCEL A2, ACCORDING TO COUNTY RECORDS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES, IF ANY.

GLENBROOK, LLC  
PO BOX 1467  
CHARLOTTESVILLE, VA 22902  
COMMONWEALTH OF VIRGINIA -  
CITY/COUNTY OF:  
TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 20  
SIGNATURE OF NOTARY PUBLIC

NOTES:

1. THE PURPOSE OF THIS PLAT IS TO DEDICATE A PORTION OF TMP 56K-C (PARCEL A), A PORTION OF TMP 56K-A2 (PARCEL B), A PORTION OF TMP 56K--04-A (PARCEL C) AND A PORTION OF TMP 56H-C (PARCEL D) TO THE COUNTY OF ALBEMARLE FOR PUBLIC USE TO MAKE A CONTINUING RIGHT-OF-WAY ALSO, THIS PLAT IS CREATING A NEW PUBLIC STORM DRAINAGE EASEMENT AND IS CREATING A NEW PUBLIC GREENWAY EASEMENT.
2. NEW PROPERTY CORNERS SHALL BE MONUMENTED WITH IRON RODS UNLESS OTHERWISE NOTED.
3. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
4. THIS PLAT HAS BEEN PREPARED FROM RECORD INFORMATION, DEED BOOK 5075 PAGE 864, DEED BOOK 4787 PAGE 549, DEED BOOK 4077 PAGE 175, DEED BOOK 4918 PAGE 1 AND DEED BOOK 4789 PAGE 262. FIELD WORK WAS COMPLETED ON MARCH 18, 2020.
5. THE AREA SHOWN HEREON IS LOCATED IN ZONE "X" AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE "A" FOR A 100 YEAR FLOOD AS SHOWN ON FEMA MAP NO 51003002290 & PROJECT 2002-030, EFFECTIVE DATE FEBRUARY 4, 2005. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS, NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
6. SUBJECT PARCELS ARE LOCATED IN THE LOOKINGHOLE CREEK WATERSHED. SUBJECT PARCELS ARE WITHIN A WATER SUPPLY PROTECTION AREA.
7. SUBJECT PARCELS ARE WITHIN ALBEMARLE COUNTIES WATER & SEWER JURISDICTIONAL AREA.
8. THE STREAM BUFFERS SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE ALBEMARLE COUNTY WATER PROTECTION ORDINANCE.
9. THE FUTURE GREENWAY EASEMENT TO BE DEDICATED TO THE COUNTY FOR PUBLIC USE ON A SEPARATE PLAT APPLICATION IS SUBJECT TO THE PEDESTRIAN TUNNEL AGREEMENT RECORDED AT DEED BOOK 5322 PAGE 133.
10. SUBJECT PARCELS DO NOT LIE WITHIN AN AGRICULTURAL/FORESTAL DISTRICT.
11. SUBJECT PARCELS DO NOT LIE WITHIN A PRESERVED STEEP SLOPES OVERLAY DISTRICT.
12. TMP 56K-A2 IS ZONED R1 RESIDENTIAL AND IS SUBJECT TO PROFFER 2MA-2016-00005. TMP 56K-A2 DOES NOT LIE WITHIN MANAGED STEEP SLOPES OVERLAY DISTRICT. TMP 56K-A2 DOES LIE WITHIN THE PRESERVED STEEP SLOPES OVERLAY DISTRICT. TMP 56K--04-A DOES LIE WITHIN MANAGED AND PRESERVED STEEP SLOPES OVERLAY DISTRICT. TMP 56H-C DOES NOT LIE WITHIN MANAGED AND PRESERVED STEEP SLOPES OVERLAY DISTRICT. TMP 56L-C DOES NOT LIE WITHIN MANAGED AND PRESERVED STEEP SLOPES OVERLAY DISTRICT. TMP 56K-C DOES NOT LIE WITHIN MANAGED STEEP SLOPES OVERLAY DISTRICT. TMP 56L-C DOES LIE WITHIN THE PRESERVED STEEP SLOPES OVERLAY DISTRICT. TMP 56C-C DOES NOT LIE WITHIN THE FLOOD HAZARD OVERLAY.
13. TMP 56K--04-A DOES NOT LIE WITHIN THE FLOOD HAZARD OVERLAY.
14. TMP 56H-C IS ZONED PLANNED RESIDENTIAL DEVELOPMENT AND IS SUBJECT TO THE PROFFERS AND APPLICATION PLAN OF 2MA2006-01. TMP 56H-C DOES NOT LIE WITHIN MANAGED AND PRESERVED STEEP SLOPES OVERLAY DISTRICT. TMP 56H-C DOES NOT LIE WITHIN THE FLOOD HAZARD OVERLAY.
15. THE STREAM BUFFERS SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE ALBEMARLE COUNTY WATER PROTECTION ORDINANCE.
16. NO PRESERVED STEEP SLOPES OVERLAY DISTRICT. TMP 56K-C DOES NOT LIE WITHIN THE FLOOD HAZARD OVERLAY.
17. PLAT PREPARED BY: WILLIAM W WHITE.

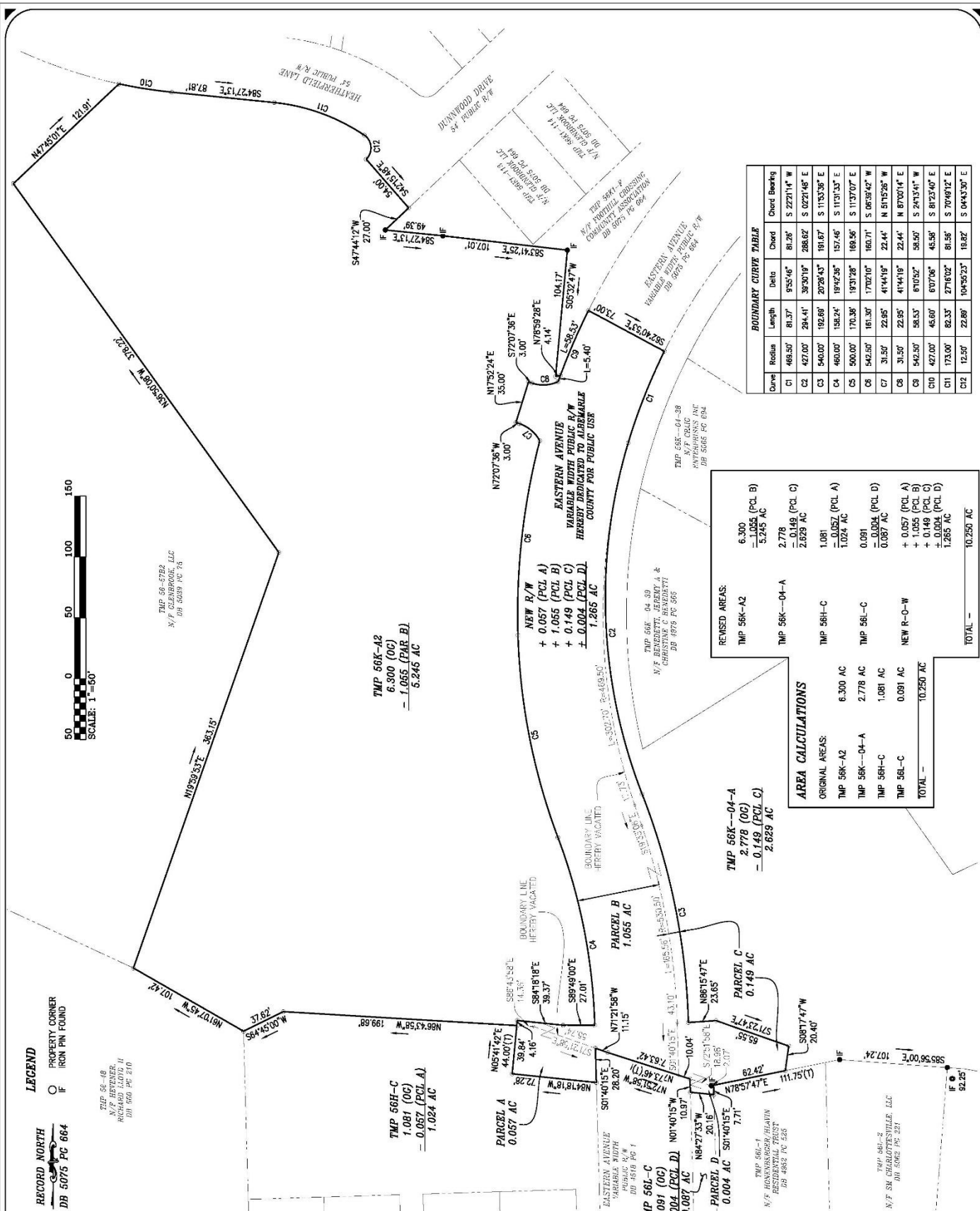
**ROUDABUSH, GALE & ASSOCIATES, INC.**  
ENGINEERS, SURVEYORS AND LAND PLANNERS  
A PROFESSIONAL CORPORATION  
SERVING VIRGINIA SINCE 1988  
914 MOUNTCELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902  
PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM

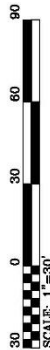


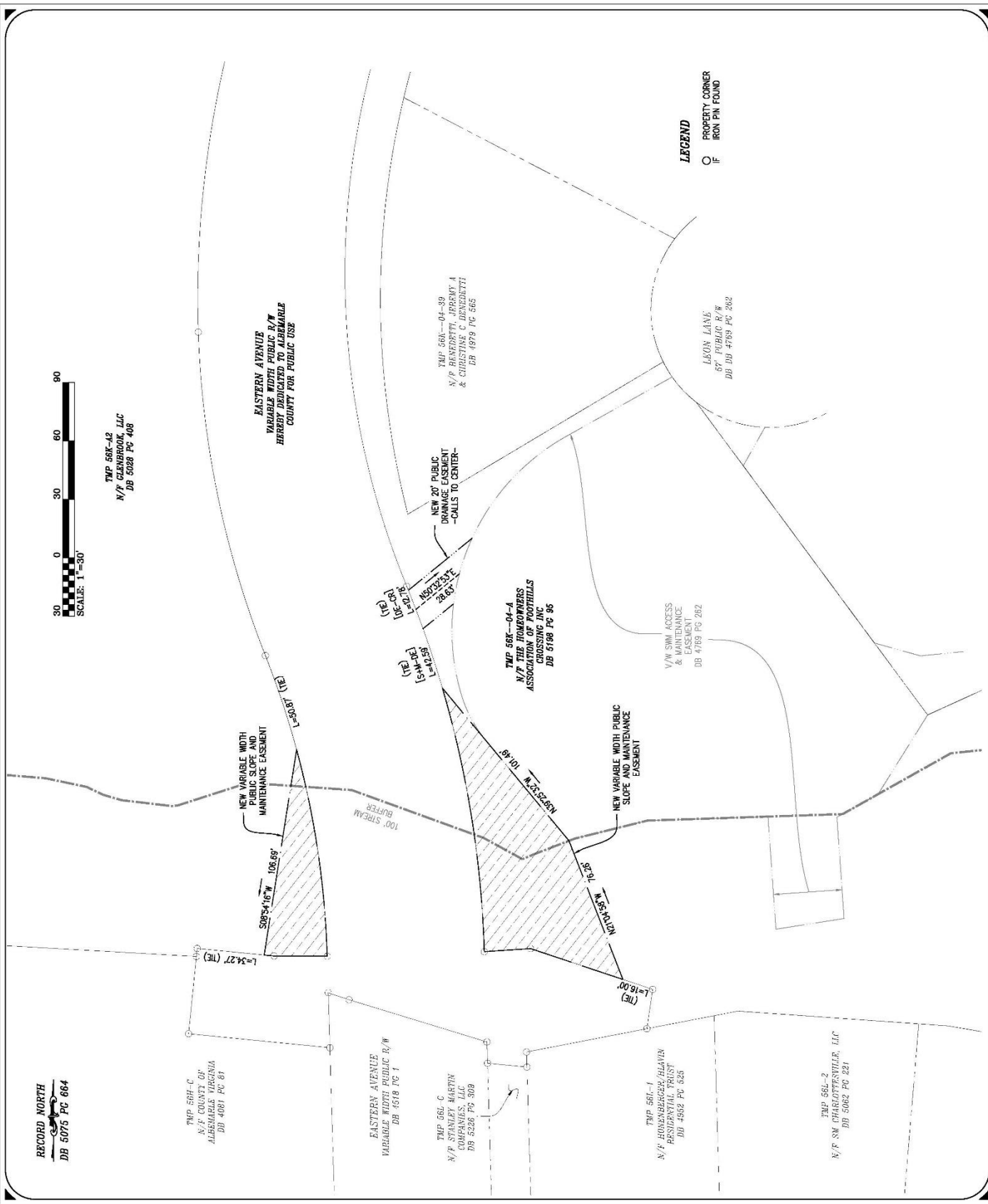
RIGHT-OF-WAY DEDICATION AND EASEMENT PLAT  
EASTERN AVENUE  
TMP 56K-A2, TMP 56K-04-A,  
TMP 56H-C AND TMP 56L-C  
WHITE HALL MAGISTERIAL DISTRICT, ALBERMARLE COUNTY, VIRGINIA  
RIGHT-OF-WAY DEDICATION

DATE:	03-30-2020
REV:	05-08-2020
REV:	06-30-2020
REV:	07-20-2020
REV:	08-25-2020
SCALE:	1"=50'
ACR:	6234
FILE:	WWHITE

**V2**  
SHEET: 05 OF 05







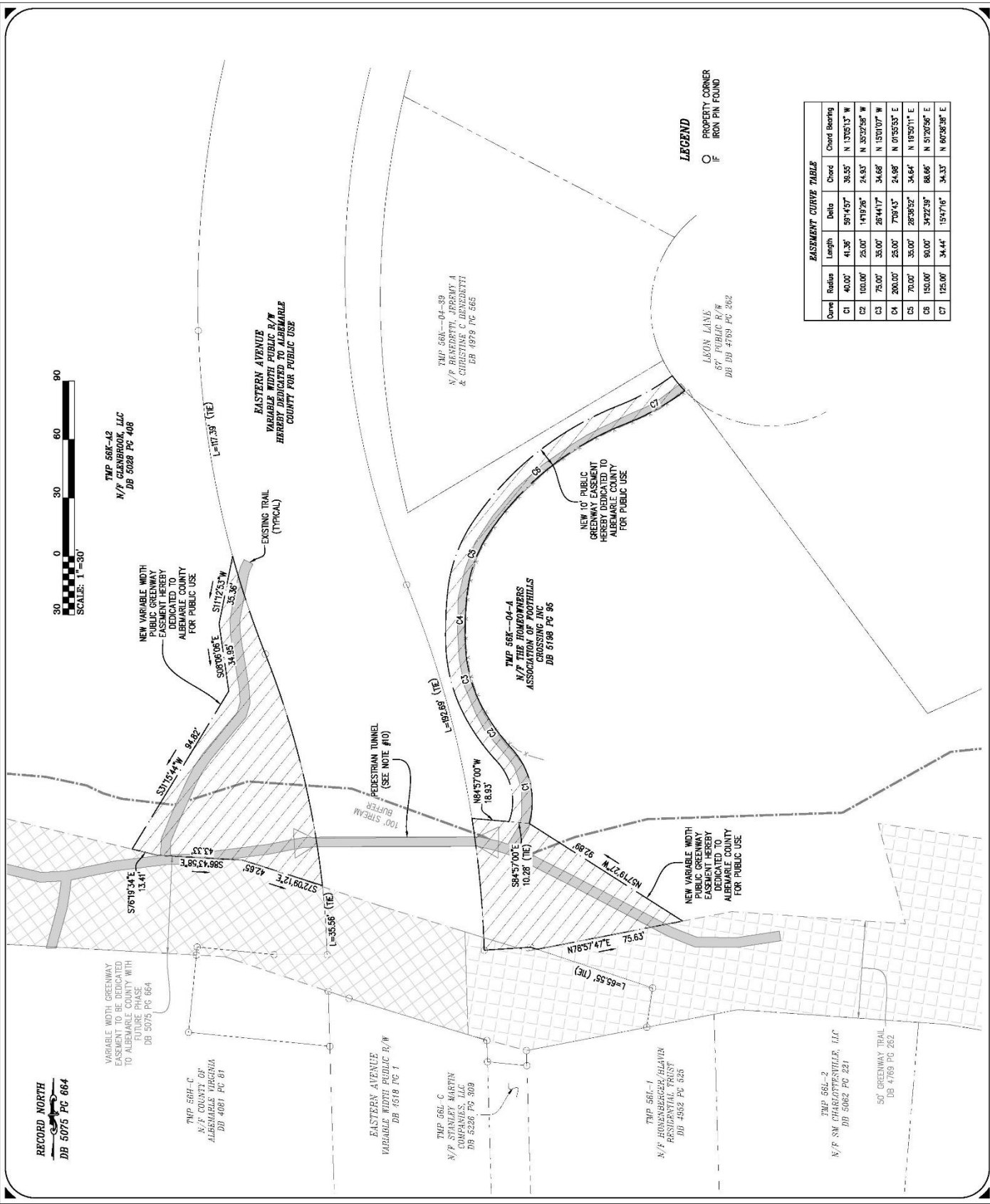
**ROUDABUSH, GALE & ASSOCIATES, INC.**  
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RIGHT-OF-WAY DEDICATION AND EASEMENT PLAT  
EASTERN AVENUE  
TWP 56K-A2, TWP 56K-04-A,  
TWP 56H-C AND TWP 56L-C  
WHITE HALL MAGISTERIAL DISTRICT, ALBEMARLE COUNTY, VIRGINIA  
GREENWAY EASEMENT

DATE: 03-20-2020  
REV: 05-09-2020  
REV: 06-30-2020  
REV: 07-20-2020  
SCALE: 1"=30'  
JOB: 8294  
FILE: WWHITE

**V5**  
SHEET  
OF 05



**EASEMENT CURVE TABLE**

Curve	Radius	Length	Delta	Chord	Bearing
C1	40.00'	41.35'	59°45'57"	36.55'	N 13°51'13" W
C2	100.00'	75.00'	14°19'26"	24.93'	N 35°22'58" W
C3	75.00'	35.00'	28°44'17"	34.68'	N 15°01'07" W
C4	200.00'	25.00'	7°05'43"	24.68'	N 01°53'53" E
C5	70.00'	35.00'	28°38'52"	34.64'	N 19°50'11" E
C6	150.00'	90.00'	34°22'39"	86.66'	N 51°50'50" E
C7	125.00'	34.44'	19°47'16"	34.33'	N 60°38'38" E

**LEGEND**  
○ PROPERTY CORNER  
IF IRON PIN FOUND

Q:\8294\TWP01\8294 - EASTERN AVENUE [RWD]DWG\8294 - EASTERN AVENUE ROW DEDICATION.dwg

**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE  
TO EXECUTE COVID-19 RELATED DOCUMENTS**

**WHEREAS**, the County received \$9,538.621 on June 1, 2020 and will receive an additional \$9,538.621 in late August, 2020, from the Commonwealth in Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Coronavirus Relief Fund (CRF) funding, which provides assistance to state, local, territorial, and tribal governments to address impacts of the COVID-19 pandemic; and

**WHEREAS**, the funds must be expended in accordance with Federal compliance requirements; and

**WHEREAS**, the efficiency of government would be improved by authorizing the County Executive to execute all required documents related to COVID-19 matters, including those regarding CARES CRF funding.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Albemarle, Virginia, hereby authorizes the County Executive to execute all required documents related to all matters regarding CARES CRF funding.



**ORDINANCE NO. 20-E(6)**

AN EMERGENCY ORDINANCE TO AMEND SECTION 5 OF ORDINANCE NO. 20-E(5), "AN EMERGENCY ORDINANCE TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS COVID-19," TO REGULATE GATHERINGS AT OUTDOOR HORSE AND OTHER LIVESTOCK SHOWS AND HORSE RACING RACETRACKS

**WHEREAS**, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as "COVID-19"); and

**WHEREAS**, on March 12, 2020, the County Executive, acting as the Director of Emergency Management, declared a local emergency because of the COVID-19 pandemic pursuant to his authority under Virginia Code § 44-146.21, and this declaration was confirmed by the Board of Supervisors on March 17, 2020; and

**WHEREAS**, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One ("EO 51") declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a "disaster" as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency in response to the spread of COVID-19; and

**WHEREAS**, COVID-19 spreads person to person and, at this time, it appears that COVID-19 is spread primarily through respiratory droplets, which can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs; spread is more likely when people are in close contact with one another (within about six feet)<sup>i</sup>; and

**WHEREAS**, COVID-19 is extremely easy to transmit, can be transmitted by infected people who show no symptoms, and the population has not developed herd immunity<sup>ii</sup>; and

**WHEREAS**, at this time, there is no known cure, no effective treatment, no vaccine, and because people may be infected but asymptomatic, they may unwittingly infect others<sup>iii</sup>; and

**WHEREAS**, the World Health Organization, the United States Centers for Disease Control and Prevention ("Centers for Disease Control") and the Virginia Department of Health have identified several behaviors and practices that are fundamental in controlling the spread of COVID-19 in the community: frequently washing hands, sanitizing frequently touched surfaces, wearing a cloth face covering when in public, maintaining a separation of at least six feet between people ("social distancing" or "physical distancing"), limiting the size of gatherings in public places, and limiting the duration of gatherings<sup>iv</sup>; and

**WHEREAS**, with respect to people wearing face coverings when in public, current evidence suggests that transmission of COVID-19 occurs primarily between people through direct, indirect, or close contact with infected people through infected secretions such as saliva and respiratory secretions, or through their respiratory droplets, which are expelled when an infected person coughs, sneezes, talks or sings; and some outbreak reports related to indoor crowded spaces have suggested the possibility of aerosol transmission, combined with droplet transmission, for example, during choir practice, in food establishments, or in fitness classes<sup>v</sup>; and

**WHEREAS**, according to the World Health Organization, fabric face coverings, "if made and worn properly, can serve as a barrier to droplets expelled from the wearer into the air and environment," however, these face coverings "must be used as part of a comprehensive package of preventive measures, which includes frequent hand hygiene, physical distancing when possible, respiratory etiquette, environmental cleaning and disinfection," and recommended precautions also include "avoiding indoor crowded gatherings as

much as possible, in particular when physical distancing is not feasible, and ensuring good environmental ventilation in any closed setting<sup>vi</sup>; and

**WHEREAS**, the World Health Organization advises that people take a number of precautions, including: (i) maintaining social distancing because when someone coughs, sneezes, or speaks they spray small liquid droplets from their nose or mouth which may contain virus, and if other persons are too close, they can breathe in the droplets, including the COVID-19 virus, if the person coughing, sneezing, or speaking has the disease; and (ii) avoiding crowded places because when people are in crowds, they are more likely to come into close contact with someone that has COVID-19 and it is more difficult to maintain social distancing<sup>vii</sup>; and

**WHEREAS**, the Centers for Disease Control caution that: (i) the more people a person interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading; (ii) the higher level of community transmission in the area that a gathering is being held, the higher the risk of COVID-19 spreading during the gathering; and (iii) large in-person gatherings where it is difficult for persons to remain spaced at least six feet apart and attendees travel from outside the local area pose the highest risk of COVID-19 spreading<sup>viii</sup>; and

**WHEREAS**, the Centers for Disease Control state that cloth face coverings are strongly encouraged in settings where persons might raise their voice (e.g., shouting, chanting, singing)<sup>ix</sup>; and

**WHEREAS**, the Centers for Disease Control advise, in restaurants: (i) wearing cloth face coverings when less than six feet apart from other people or indoors; (ii) wearing face coverings as much as possible when not eating; (iii) maintaining a proper social distancing if persons are sitting with others who do not live with the person; and (iv) sitting outside when possible<sup>x</sup>; and

**WHEREAS**, for these and related reasons, the Virginia Department of Health has stated that those businesses that operate indoors and at higher capacity, where physical distancing “recommendations” are not observed, sharing objects is permitted, and persons are not wearing cloth face coverings, create higher risk for the transmission of COVID-19<sup>xi</sup>; and

**WHEREAS**, since Governor Northam issued EO 51 on March 13, 2020, he has issued several more Executive Orders jointly with Orders of Public Health Emergency issued by M. Norman Oliver, MD, MA, State Health Commissioner, pertaining to COVID-19; as of the date of adoption of this ordinance, “Executive Order Number Sixty-Seven (2020) and Order of Public Health Emergency Seven, Phase Three Easing of Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19)” (collectively referred to as “EO 67”)<sup>xii</sup>, which became effective at 12:00 a.m. on July 1, 2020, is in effect; and

**WHEREAS**, as of July 21, 2020, the spread of COVID-19 in the Commonwealth, in the Thomas Jefferson Health District of which the County is a member, and in the County itself, has been increasing since late June, shortly before EO 67 moved the Commonwealth into “Phase 3” of its reopening plan, the curve in the positivity rate of persons tested for COVID-19 is no longer flattened, and the community is currently experiencing more transmission of COVID-19.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that:

## **Sec. 1. Purpose**

For the reasons stated in the recitals, the purpose of this ordinance is to prevent the spread of COVID-19.

## **Sec. 2. Authority**

This ordinance is authorized by Virginia Code § 15.2-1200, which enables the County, through its Board of Supervisors, to adopt “necessary regulations to prevent the spread of contagious diseases among persons . . .” that “are not inconsistent with the general laws of the Commonwealth.” This ordinance is adopted as an emergency ordinance pursuant to Virginia Code § 15.2-1427(F).

### **Sec. 3. Definitions**

The following definitions apply to this ordinance:

- A. "Expressive activity" means a non-commercial activity in which a person intends to convey a lawful message through speech or conduct that is likely to be perceived by an observer of the speech or conduct, and includes any lawful public gathering, demonstration, procession, or parade in which the primary purpose is to exercise the rights of free speech or peaceable assembly.
- B. "Face covering" means an item normally made of cloth or various other materials with elastic bands or cloth ties to secure over the wearer's nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source (*i.e.*, the person's nose and mouth).
- C. "Farm winery" means an establishment that is required to be licensed as a farm winery under Virginia Code § 4.1-207.
- D. "Food establishment" means a food establishment as defined in 12VAC5-421-10 and the term includes, but is not limited, any place where food is prepared for service to the public on or off the premises, or any place where food is served, including restaurants, lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs. For purposes of this ordinance, "food establishment" does not include kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under Virginia Code § 53.1-68.
- E. "Gathering" means a planned or spontaneous indoor or outdoor, or both, event with people participating or attending for a common purpose such as a community event, concert, festival, conference, parade, wedding, sporting event, party (including parties at private residences), celebration, and other social events. "Gathering" does not include a place of employment where persons are present to perform their functions of employment, events or activities on the grounds of an institution of higher education- or school-owned property that are institution or school related, or persons engaging in religious exercise at their religious institution or other place of religious significance.
- F. "Limited brewery" means an establishment that is required to be licensed as a limited brewery under Virginia Code § 4.1-208.
- G. "Limited distillery" means an establishment for which a limited distiller's license is required under Virginia Code § 4.1-206.
- H. "Public place" means: (i) any indoor place generally open to the public, including, but not limited to, retail stores, food establishments, theaters, personal care and personal grooming services, and transportation other than a personal vehicle; or (ii) any outdoor place where at least six feet of physical distancing between persons not living in the same household cannot be maintained. "Public place" does not include a person's residence or personal vehicle, institutions of higher education and other schools, fitness and other exercise facilities, religious institutions, indoor shooting ranges, and the County courthouse buildings.

### **Sec. 4. Limitation on the Number of Persons at Food Establishments, Farm Wineries, Limited Breweries, and Limited Distilleries**

- A. *Indoor occupancy.* Indoor occupancy at food establishments, farm wineries, limited breweries, and limited distilleries must not be more than 50 percent of the lowest occupancy load on the certificate of occupancy issued by the County of Albemarle. If the building or structure does not have an occupancy load established on a certificate of occupancy issued by the County of Albemarle, indoor occupancy must not be more than 50 persons.
- B. *Persons at gathering are counted.* Persons participating in or attending a gathering who are indoors count towards the occupancy limits established by this section.

- C. *Persons working not counted.* Persons working at food establishments, farm wineries, limited breweries, or limited distilleries, either as employees or independent contractors, do not count towards the occupancy limits established by this section.
- D. *State requirements, recommendations, and guidance.* Except as provided in Sections 4(A), (B), and (C), this section does not affect any requirement, recommendation, or guidance including, but not limited to, those requiring or recommending physical distancing that apply to food establishments, farm wineries, limited breweries, and limited distilleries established in EO 67, or as it may be further amended or superseded, any Order of Public Health Emergency, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic.

## **Sec. 5. Limitation of the Number of Attendees at Gatherings**

- A. *Gatherings of more than 50 persons prohibited.* All public and private in-person gatherings of more than 50 persons are prohibited except as provided in Section 5(B).
- B. *Gatherings not subject to the 50-person limit.* Section 5(A) does not apply to the following gatherings and, instead, the maximum size for gatherings established in EO 67, or as it may be further amended or superseded, or any Order of Public Health Emergency, applies:
  1. Outdoor gatherings at food establishments, and at farm wineries, limited breweries, and limited distilleries for activities and events permitted for those uses under County Code Chapter 18.
  2. Gatherings for religious exercise including, but not limited to, religious ceremonies.
  3. Wedding ceremonies and wedding receptions.
  4. Expressive activity on a public street, public sidewalk, in a public park subject to park rules, and on other public property expressly designated for expressive activity by its governmental owner or occupant.
- C. *Gatherings not subject to the 50-person limit; outdoor horse and other livestock shows and horse racing racetrack events without spectators.* Section 5(A) does not apply to outdoor horse and other livestock shows and to outdoor horse racing racetrack events at which spectators are not in attendance at either such shows or events, provided that the owners, operators, and participants comply with EO 67, §§ 1, 10(a), and 10(b), all applicable “Guidelines for All Business Sectors” (pages 1-4) incorporated by reference into EO 67 and, for outdoor horse and other livestock shows, the guidelines for the “Horse and Other Livestock Shows” business sector (pages 37-39) and, for outdoor horse racing racetrack events, the guidelines for the “Horse Racing Racetracks: Multi-Day Events” business sector (pages 40-43). A horse or other livestock show is deemed to be conducted outdoors when, because of inclement weather, it is conducted in an open-air structure having a roof.
- D. *Persons working not counted.* Persons working at gatherings, either as employees or independent contractors, do not count towards the limit on the number of persons at a gathering.
- E. *State requirements, recommendations, and guidance.* Except as provided in Sections 5(A) through (D), this section does not affect any requirement, recommendation, or guidance including, but not limited to, those requiring or recommending physical distancing, that apply to gatherings established in EO 67, or as it may be further amended or superseded, any Order of Public Health Emergency, any workplace safety regulations, or any other State or federal laws related to the COVID-19 pandemic.

## **Sec. 6. Face Coverings**

- A. *Face coverings required.* Face coverings must be worn by all persons in public places except as provided in Sections 6(B) and (C).
- B. *Persons not required to wear face coverings.* Face coverings are not required to be worn by the following persons:

1. *Children.* Children 10 years of age and under.
  2. *Wearing face covering poses certain risks.* Persons for whom wearing a face covering poses a bona fide and substantial mental or physical health risk, such as persons who have trouble breathing, or poses a safety or security risk to persons who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance. For this exception to apply to any person claiming that wearing a face covering poses a substantial mental or physical health risk: (i) the person must present a valid document from a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services, including mental health services, consistent with State law, specifying the medical necessity for not wearing a face covering and the date on which the person may begin wearing a face covering again; and (ii) the public place is unable to provide goods, services, or activities outdoors to the person or to the adult accompanying a child 10 years of age or under.
  3. *Certain employees.* On-duty employees covered by workplace safety regulations promulgated by the State Safety and Health Codes Board, or by face covering rules established by an applicable Executive Order of the Governor or an Order of Public Health Emergency by the State Health Commissioner.
- C. *Circumstances when face coverings are not required to be worn by any persons.* Face coverings are not required to be worn by any persons in the following circumstances:
1. *Outdoor activities.* While persons are engaged in outdoor activities in public places such as parks and other open spaces, provided that minimum physical distancing established by any applicable Executive Order of the Governor or Order of Public Health Emergency of the State Health Commissioner is maintained.
  2. *Eating or drinking.* While a person is eating food or drinking a beverage.
  3. *End of waiver of Virginia Code § 18.2-422.* When the waiver of Virginia Code § 18.2-422, currently established in EO 67, Section (C)(3), or as it may be further amended or superseded, ends.
- D. *Responsibility of adults accompanying minors.* Adults accompanying minors should use their best judgment regarding placing face coverings on any minor between the ages of two through nine in public places. Adults accompanying minors between the ages of 10 through 17 must use reasonable efforts to prompt the minor to wear face coverings while in public places.

## **Sec. 7. Effect of More Restrictive Executive Order or Order of Public Health Emergency**

Section 4, 5, or 6 does not apply when a more restrictive requirement in an Executive Order or an Order of Public Health Emergency is in effect.

## **Sec. 8. Penalties**

- A. *Penalty for violation of Section 4.* A violation of Section 4 by the owner of the food establishment, farm winery, limited brewery, or limited distillery, and any manager or assistant manager, however titled, responsible for the operation and management of the food establishment, farm winery, limited brewery, or limited distillery on the date of the violation, is punishable as a Class 3 misdemeanor. Section 4(D) is not enforced pursuant to this ordinance.
- B. *Penalty for violation of Section 5.* A violation of Section 5 by the owner or tenant of the private property on which the gathering is located, is punishable as a Class 1 misdemeanor. A violation of Section 5 by any person attending the gathering, after first being warned by a law enforcement officer to disperse from the gathering because it exceeds the limitation for a gathering and having failed to disperse after a reasonable period of time not to exceed two minutes, is punishable as a Class 1 misdemeanor. Section 5(D) is not enforced pursuant to this ordinance.
- C. *Penalty for violation of Section 6.* A violation of Section 6 by any person subject to its requirements is punishable as a Class 1 misdemeanor. No person under the age of 18 is subject to a criminal penalty for failing to wear a face covering.

D. *Injunctive relief.* The County, the Board of Supervisors, and any County officer authorized by law, may seek to enjoin the continuing violation of any provision of this ordinance by bringing a proceeding for an injunction in any court of competent jurisdiction.

### **Sec 9. Duration**

This ordinance is effective 12:00 a.m., August 1, 2020 and expires at 11:59 p.m. on September 29, 2020, or upon the adoption of an ordinance succeeding this ordinance for which notice is provided as required by Virginia Code § 15.2-1427(F), paragraph 1, whichever occurs first.

### **Sec. 10. Effect of this Ordinance on the Powers of the Director of Emergency Management**

This ordinance does not affect the powers of the County Executive, acting as the Director of Emergency Management, pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster.

### **Sec. 11. Severability**

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

**State law reference –** Va. Code §§ 15.2-1200, 15.2-1427(F), 15.2-1429, 15.2-1432, 18.2-11.

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<sup>i</sup> *Xponential Fitness v. Arizona*, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at \*1 (D. Ariz. July 14, 2020) and cases and authorities cited therein.

<sup>ii</sup> *Xponential Fitness v. Arizona*, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at \*1 (D. Ariz. July 14, 2020) and cases and authorities cited therein.

<sup>iii</sup> *South Bay United Pentecostal Church v Newsom*, 140 S. Ct. 1613 (May 29, 2020) (Roberts concurring in denial of application for injunctive relief); on the fact that there is no effective treatment as of the date of this ordinance, see also [https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters?gclid=EAlaIqobChMI9lvSvJPk6qIVGrblCh2TYw9QEAAAYASAAEgKjDfD\\_BwE#medicines](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters?gclid=EAlaIqobChMI9lvSvJPk6qIVGrblCh2TYw9QEAAAYASAAEgKjDfD_BwE#medicines); <https://www.health.harvard.edu/diseases-and-conditions/treatments-for-covid-19>; <https://www.mayoclinic.org/diseases-conditions/coronavirus/diagnosis-treatment/drc-20479976>.

<sup>iv</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html> and <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html> and links therein; <https://www.vdh.virginia.gov/coronavirus/#COVID-19-resources> and links therein.

<sup>v</sup> World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>.

<sup>vi</sup> World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>; see also Statement of Dr. Michael Ryan, World Health Organization COVID-19 Virtual Press Conference, transcript page 12, [https://www.who.int/docs/default-source/coronaviruse/transcripts/covid-19-virtual-press-conference---17-july.pdf?sfvrsn=dd7f91a1\\_0](https://www.who.int/docs/default-source/coronaviruse/transcripts/covid-19-virtual-press-conference---17-july.pdf?sfvrsn=dd7f91a1_0) (“So it’s all about the setting, it is about the duration you spend in that setting and it’s about the intensity of the activities that you participate in in that setting and when you get into a particular setting, a very overcrowded situation in an indoor environment then effectively all bets are off because so many of the modes of transmission come into play; the aerosol route, the airborne route, the fomite or contamination route. So the more close you are to other people, the more you are inside, the more the activity is intense or involves very close social contact the more that multiple modes of transmission come into play. So in that sense it is about you understanding your risk, it is about you managing that risk and being aware of the situation that you find yourself in personally and reducing that risk for you, for your family, for your children and for your community. It is important, as I’ve said previously, that governments communicate those risks very, very carefully and it is also important that providers, authorities and others ensure that those environments are as safe as possible and that the risks are also managed.”)

<sup>vii</sup> <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.

- viii <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>; see also <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.
- ix <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>.
- x <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/personal-social-activities.html>.
- xi <https://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/businesses/>.
- xii [https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-(COVID-19).pdf).

**Albemarle County  
Board of Supervisors**

**Rules of Procedure for Virtual and Hybrid Meetings**

**Adopted September 2, 2020**

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<sup>i</sup> *Xponential Fitness v. Arizona*, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at \*1 (D. Ariz. July 14, 2020) and cases and authorities cited therein.

<sup>ii</sup> *Xponential Fitness v. Arizona*, No. CV-20-01310-PHX-DJH, 2020 WL 3971908, at \*1 (D. Ariz. July 14, 2020) and cases and authorities cited therein.

<sup>iii</sup> *South Bay United Pentecostal Church v Newsom*, 140 S. Ct. 1613 (May 29, 2020) (Roberts concurring in denial of application for injunctive relief); on the fact that there is no effective treatment as of the date of this ordinance, see also [https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters?gclid=EAIaIQobChMI9IvSvJPk6gIVGrbICh2TYw9QEAAAYASAAEgKjDfD\\_BwE#medicines](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters?gclid=EAIaIQobChMI9IvSvJPk6gIVGrbICh2TYw9QEAAAYASAAEgKjDfD_BwE#medicines); <https://www.health.harvard.edu/diseases-and-conditions/treatments-for-covid-19>; <https://www.mayoclinic.org/diseases-conditions/coronavirus/diagnosis-treatment/drc-20479976>.

<sup>iv</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html> and <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html> and links therein; <https://www.vdh.virginia.gov/coronavirus/#COVID-19-resources> and links therein.

<sup>v</sup> World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>.

<sup>vi</sup> World Health Organization Scientific Brief, July 9, 2020 <https://www.who.int/news-room/commentaries/detail/transmission-of-sars-cov-2-implications-for-infection-prevention-precautions>; see also Statement of Dr. Michael Ryan, World Health Organization COVID-19 Virtual Press Conference, transcript page 12, [https://www.who.int/docs/default-source/coronaviruse/transcripts/covid-19-virtual-press-conference---17-july.pdf?sfvrsn=dd7f91a1\\_0](https://www.who.int/docs/default-source/coronaviruse/transcripts/covid-19-virtual-press-conference---17-july.pdf?sfvrsn=dd7f91a1_0) ("So it's all about the setting, it is about the duration you spend in that setting and it's about the intensity of the activities that you participate in in that setting and when you get into a particular setting, a very overcrowded situation in an indoor environment then effectively all bets are off because so many of the modes of transmission come into play; the aerosol route, the airborne route, the fomite or contamination route. So the more close you are to other people, the more you are inside, the more the activity is intense or involves very close social contact the more that multiple modes of transmission come into play. So in that sense it is about you understanding your risk, it is about you managing that risk and being aware of the situation that you find yourself in personally and reducing that risk for you, for your family, for your children and for your community. It is important, as I've said previously, that governments communicate those risks very, very carefully and it is also important that providers, authorities and others ensure that those environments are as safe as possible and that the risks are also managed.")

<sup>vii</sup> <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.



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viii <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>; see also <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

ix <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>.

x <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/personal-social-activities.html>.

xi <https://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/businesses/>.

xii [https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-67-and-Order-of-Public-Health-Emergency-Seven---Phase-Three-Easing-of-Certain-Temporary-Restrictions-Due-to-Novel-Coronavirus-(COVID-19).pdf).

**Rules of Procedure  
of the  
Albemarle County Board of Supervisors  
for Virtual and Hybrid Meetings**

**1. Introduction**

- A. Purpose.** The purpose of these Rules of Procedure (the “Rules”) is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the “Board”).
- B. Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with them does not invalidate any action of the Board. The Rules that implement the requirements of State law are jurisdictional only to the extent that Virginia law makes them so.
- D. Applicability.** These Rules apply to all virtual and hybrid meetings of the Board, as those meetings are defined in these Rules, while a continuity of government ordinance adopted by the Board pursuant to Virginia Code § 15.2-1413, and pertaining to the COVID-19 disaster, is in effect. Any Board meeting at which the Supervisors and all of the participants are physically assembled is to be conducted pursuant to the Board’s Rules of Procedure adopted January 8, 2020, or as they may be amended.
- E. Definitions.** The following definitions apply to the administration of these Rules:
  - 1. Hybrid Meeting.** A “hybrid meeting” is a meeting where persons may either physically attend the meeting or connect to the meeting by electronic communication means.
  - 2. Present.** A person is “present” at a meeting when physically attending on the date, and at the time and place identified for the meeting, or is connected to the meeting by electronic communication means.
  - 3. Virtual Meeting.** A “virtual meeting” is a meeting where persons are connected to the meeting by electronic communication means.

**2. Supervisors**

- A. Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Supervisors have equal rights, responsibilities, and authority.
- B. Decorum.** Each Supervisor will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

**3. Officers and Their Terms of Office**

- A. Chair.** When present, the Chair presides at all Board meetings during the year for which elected. The Chair has a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423) The Chair also is the head official for all of the Board’s official functions and for ceremonial purposes.
- B. Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, presides at the meeting. The Vice-Chair also discharges the duties of the Chair during the Chair’s absence or disability. (Virginia Code § 15.2-1422)
- C. Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present Supervisor must be chosen to act as Chair.
- D. Term of Office.** The Chair and Vice-Chair shall be elected for one-year terms, but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)

- E. **References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other Supervisor when the Vice-Chair or the other Supervisors is acting as the Chair.

#### 4. **Meetings**

- A. **Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected Supervisors qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board:

1. **Elect Officers.** Elects a Chair and a Vice-Chair.
2. **Designate Clerks.** Designates a Clerk of the Board ("Clerk") and one or more Deputy Clerks who serve at the pleasure of the Board, and who have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
3. **Establish Schedule for Regular Meetings.** Establishes the days, times, places (if applicable), and how the public may access and participate in the meeting for regular meetings of the Board for that year. (Virginia Code § 15.2-1416) The then-current continuity of government ordinance adopted by the Board pursuant to Virginia Code § 15.2-1413 governs how the public may access and participate in the meeting if the public is not physically attending.
4. **Adopt Rules and Policies.** Adopts Rules of Procedure and Policies that will apply in the calendar year, subject to amendment under Rule 12.

- B. **Regular Meetings.** *Regular Meetings* are those meetings established at the *Annual Meeting* to occur on specified days and at specified times and places, with instructions for how the public may connect to the meeting by electronic communication means.

1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day will be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
2. **Adjourning a Regular Meeting.** Without further public notice, the Board may adjourn a Regular Meeting from day to day, from time to time, or from place to place, but not beyond the time fixed for the next Regular Meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
3. **Continuing a Regular Meeting When Weather or Other Conditions Create a Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Supervisors to physically attend a Regular Meeting, prevent one or more Supervisors from being present at a meeting, or prevent a reasonably significant portion of the public from being present at a meeting considering, among other things, the items on the agenda, the meeting must be continued to the next Regular Meeting date. The Chair's finding, and the continuation of the meeting, must be communicated by the Chair or the Clerk to the other Supervisors and to the general news media as promptly as possible. All hearings and other matters previously advertised will be conducted at the continued meeting and no further advertisement is required. (Virginia Code § 15.2-1416)
4. **Establishing a Different Day, Time, Place, and Instructions.** After the Annual Meeting, the Board may establish for Regular Meetings different days, times, places, and instructions for how the public may connect to the meeting by electronic communication means by adopting a resolution to that effect. (Virginia Code § 15.2-1416)

- C. **Special Meetings.** A *Special Meeting* is a meeting that is not a Regular Meeting. The Board may hold Special Meetings as it deems necessary at times and places that it deems convenient. (Virginia Code § 15.2-1417) The then-current continuity of government ordinance adopted by the Board pursuant to Virginia Code § 15.2-1413 governs how the public may connect to the meeting by electronic communication means.

1. **Calling and Requesting a Special Meeting.** A Special Meeting may be called by the Chair or requested by two or more Supervisors. The call or request must be made to the Clerk and shall specify the matters to be considered at the meeting. (Virginia Code § 15.2-1418)
2. **Duty of Clerk to Provide Notice; When Notice May Be Waived.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, must immediately notify each Supervisor, the County Executive, and the County Attorney about the Special Meeting. The notice must be in writing and be delivered to each Supervisor, the County Executive, and the County Attorney at their place of residence or business. Notice will be provided by email to each Supervisor's County email address. The notice may be waived if all Supervisors are present at the Special Meeting or if all Supervisors sign a waiver for the notice. (Virginia Code § 15.2-1418) An email from the Supervisor to the Clerk waiving notice satisfies this requirement. The Clerk must also notify the general news media about the Special Meeting.
3. **Contents of the Notice Provided by the Clerk.** The notice provided by the Clerk must state the date, time, place (if applicable) of the meeting, provide instructions for how the public may connect to the meeting by electronic communication means, and specify the matters to be considered.
4. **Matters That May Be Considered.** Only those matters specified in the notice may be considered at a Special Meeting unless all Supervisors are present. (Virginia Code § 15.2-1418)
5. **Adjourning a Special Meeting.** A Special Meeting may be adjourned from time to time as the Board finds necessary and convenient to complete the business of those matters identified in the notice of the Special Meeting. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

## 5. **Order of Business for Regular Meetings**

- A. **Establishing the Agenda.** The Clerk must establish the agenda for all Regular Meetings in consultation with the County Executive and the Chair. The County Executive and the Clerk will then review the agenda with the Chair and the Vice Chair before the meeting. The Clerk sets the order of business as provided in Rule 5(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda must be provided to the Board at least six days before the Regular Meeting date.
1. **Resolutions Proposed by Supervisors.** Resolutions may be proposed by a Supervisor requesting the Board to take a position on an issue of importance to the Board.
  - a. **Initial Notice by Supervisor.** A Supervisor requesting the Board to adopt a resolution should give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution.
  - b. **When Request Must be Made.** The request must be made at least seven days before the meeting at which the resolution may be considered.
  - c. **Distributing the Draft Resolution to Supervisors for Comments.** The Clerk will distribute the draft resolution with background information, if available, to all Supervisors. Any Supervisor may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk must forward all comments received from any Supervisor to the Board.
  - d. **Preparing the Resolution.** The Supervisor requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board.
  - e. **Adding the Resolution to the Agenda.** The Clerk then polls the Supervisors to determine if a majority of the Supervisors supports adding the resolution to the agenda for consideration. If a majority of the Supervisors indicates support for considering the resolution, the resolution will be added to the proposed final agenda. If all Supervisors indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any Supervisor requests otherwise.
2. **Other Items Proposed To Be Added to the Clerk's Draft Agenda.**

- a. **By Supervisors.** Any Supervisor may propose to add items, other than resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Supervisors, the Clerk, and the County Executive by 5:00 p.m. two days before the date of the meeting or upon the unanimous consent of all Supervisors present at the meeting. Any item that has been timely proposed and properly noticed will be added to the end of the agenda for discussion or action unless a majority of the Supervisors present agrees to consider the item earlier on the agenda.
  - b. **By the County Executive.** The County Executive may add items to the Clerk's draft agenda for action by 5:00 p.m. two days before the date of the meeting if the item requires consideration and action by the Board at its next meeting. In an emergency, the County Executive may add an item at any time with the consent of the Chair and the Vice Chair. When the County Executive adds an item to the agenda, he must provide information about the item to all Supervisors as soon as practicable and prior to the meeting.
3. **Proclamations and Recognitions Proposed by Residents.** A request by a resident to place a proclamation or recognition on the agenda must be made as follows:
  - a. **When Request Must be Made.** The request must be made at least four weeks in advance of the Board meeting date.
  - b. **Request Made to the Clerk.** The resident must submit the request to advance a proclamation or recognition to the Clerk. If the request is made to a Supervisor, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements.
  - c. **Review of the Request for Completeness and Distribution.** Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to the Supervisors for review.
  - d. **Adding the Proclamation or Recognition to the Agenda; Informing the Requester.** The Clerk shall poll Supervisors to determine whether a majority of the Supervisors supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.
4. **Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:
  - a. **Public Hearing Should Not Be Advertised Until Final Documents Are Received.** The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County so that they are received no later than two business days before the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.
  - b. **Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing must not be advertised and the matter shall not be placed on the agenda. If the matter is not advertised, a new public hearing date will be scheduled.
  - c. **Receipt of Final Signed Proffers.** Final signed proffers must be received by the County no later than nine calendar days before the date of the advertised public hearing. This Rule is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Supervisors at the public hearing.
5. **Public Hearings: Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing must be on the agenda for public hearing on

the advertised date, provided that an applicant may request a deferral as provided in County Code § 18-33.52 *et seq.*

- B. Order of Business at Regular Meetings.** At Regular Meetings of the Board, the order of business will be generally as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.
5. Brief Announcements by Supervisors.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.
8. Consent Agenda.
9. General Business.
10. Closed Meeting.
11. Certify Closed Meeting.
12. Actions Resulting from Closed Meeting.
13. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.
14. General Business, Including Public Hearings.
15. From the Board: Committee Reports and Matters Not Listed on the Agenda.
16. From the County Executive: Report on Matters Not Listed on the Agenda.
17. Adjourn.

- C. Closed Meetings.** A *Closed Meeting* is a meeting of the Supervisors that is not open to the public when authorized by the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). A Closed Meeting may be held at any point on the agenda, as necessary. Generally, a Closed Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment. The Clerk must promptly post and make available for public inspection the motion to convene a Closed Meeting after it is distributed by the County Attorney; provided that: (i) the contents of the motion may be subject to change without further posting or availability; and (ii) the failure of the Clerk to comply with this subsection does not affect the legality of the Closed Meeting.

**6. Rules Applicable to the Items of Business on the Agenda**

- A. Adoption of the Final Agenda.** *Adoption of the Final Agenda* is the first order of business for a Regular Meeting of the Board. The Board may modify the order of business as part of its adoption of the Final Agenda. Any changes to the Consent Agenda, including removing an item from the Consent Agenda for discussion and separate action, should be made when the Final Agenda is adopted. The Final Agenda must be adopted by a majority vote of the Supervisors present and voting. No item for action not included on the Final Agenda may be considered at that meeting.
- B. Brief Announcements by Supervisors.** *Brief Announcements by Supervisors* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
- C. Proclamations and Recognitions.** *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.
- D. From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board.** *From the Public: Matters Not Listed for Public Hearing on the Agenda, Matters Previously Considered by the Board, or Matters Pending Before the Board* ("Matters from the Public") allows any member of the public to speak on any topic of public interest that is not on the Final Agenda for a public hearing at that meeting, any matter that was previously considered by the Board, and any matter pending before the Board that is not on that days' Board agenda. The following rules apply:

1. **Number of Speakers.** Up to 10 persons may speak during each Matters from the Public session. The 10 speakers are determined on a first-come, first-served basis, with those persons signing up to speak before the meeting having priority.
  2. **Time.** Each speaker may speak for up to three minutes.
  3. **Place.** Each speaker may speak using electronic communication means or, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.
  4. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker may speak at only one Matters from the Public session at each meeting, must address only the Board, and must not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation, provided that the presentation is received by the Clerk at least 48 hours before the Matters from the Public session at which the speaker plans to speak.
- E. Consent Agenda.** The *Consent Agenda* is for items for action that do not require discussion or comment and are anticipated to have the unanimous approval of the Board, and for items provided for the Board's information.
1. **Questions to Staff.** Supervisors should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item before the Board meeting.
  2. **Discussion and Comment.** There should be either no discussion or comment or only a brief discussion or comment on Consent Agenda items at the meeting except as provided in Rule 6(E)(3).
  3. **Removing an Item from the Consent Agenda.** Any Supervisor may remove an item from the Consent Agenda at the time the Final Agenda is being considered for adoption. Any item removed from the Consent Agenda should be moved to a specific time or to the end of the meeting agenda for further discussion or action. However, an item removed from the Consent Agenda requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
  4. **Effect of Approval of the Consent Agenda.** A successful motion to approve the Consent Agenda approves those Consent Agenda items identified for action and accepts Consent Agenda items identified for information.
- F. General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.
1. **Public Hearings.** The Board may not decide any item before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the public hearing or consideration of the item. The procedures for receiving a presentation from the applicant and comments from members of the public are at the discretion of the Board provided that they satisfy all minimum legal requirements. However, unless otherwise decided by a majority of the Supervisors present during a particular public hearing, the following rules apply:
    - a. **Time.** The applicant is permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public is permitted to speak once for up to three minutes on the item. Following comments by members of the public, the applicant is permitted up to five minutes for a rebuttal presentation.
    - b. **Place.** The applicant and each member of the public presenting and speaking may speak using electronic communication means and, if the speaker physically attends the meeting, must speak from the podium or other location provided for the meeting.
    - c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker must address only the Board, speak to issues that are relevant to the item for which the public hearing is being held, and not engage in speech or other behavior that actually disrupts the meeting. The applicant and its representatives may include a visual or audio presentation. Any other speaker may also include a visual or audio

presentation, provided that the presentation is received by the Clerk at least 48 hours before the time scheduled for the public hearing.

**2. Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.**

If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board must consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.

**G. From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* is limited to matters that are not substantial enough to be considered as agenda items to be added to the Final Agenda. Reports include routine committee reports and information updates by Supervisors. Any matters discussed during this part of the agenda may not be acted upon by the Board at that meeting.

**H. Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.

**7. Quorum**

**A. Establishing a Quorum.** A quorum for any meeting of the Board is a majority of the members of the Board present, except as provided in Rule 7(B)(2). (Virginia Code § 15.2-1415; Continuity of Government Ordinance)

**B. Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415; Continuity of Government Ordinance) There are two exceptions:

**1. Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Supervisors present may take is to adjourn the meeting.

**2. Quorum Not Established or Lost Because of a Conflict of Interests; Special Rule.** If a quorum cannot be established or is lost because one or more Supervisors are disqualified from participating in an item because of a conflict of interests under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3100 *et seq.*), the remaining Supervisors are a quorum and they may conduct the business of the Board.

**C. Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Supervisors present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415; Continuity of Government Ordinance)

**D. Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Supervisors present at the time and place established for any regular or special meeting is a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

**8. Remote Electronic Participation**

A Supervisor may participate in a meeting through electronic communication means while a continuity of government ordinance adopted by the Board pursuant to Virginia Code § 15.2-1413, and pertaining to the COVID-19 disaster, is in effect and the ordinance, or State law, or a combination thereof, allow Supervisors to participate in a meeting through electronic communication means.

**9. Conducting the Business of the Board**

**A. Enable Efficient and Effective Conduct of Business.** Meetings will be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.



**B. Minimizing Disruptions.** To minimize actual disruptions at meetings:

1. **Speakers.** Members of the public who are speaking to the Board must comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than Matters from the Public or during a public hearing must comply with Rule 6(D).
2. **Persons Physically Attending the Meeting.** Any person physically attending a meeting must comply with the following:
  - a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium or other location provided for the meeting are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.
  - b. **Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.
  - c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons physically attending the meeting.

**C. Guidelines Stated on the Final Agenda.** The Guidelines stated on the Final Agenda apply during each Board meeting. The Board may amend the Guidelines from time to time without amending these Rules provided that the Guidelines are consistent with these Rules.

**D. Chair May Maintain Order.** The Chair is to maintain order of the meeting, including the following:

1. **Controlling Disruptive Behavior of Persons Physically Attending the Meeting.** The Chair may ask any person physically attending a meeting whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.
2. **Controlling Disruptive Behavior of Persons Participating Through Electronic Communication Means.** The Chair may ask any person participating in a meeting through electronic communication means whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may ask the Clerk to silence the audio and video of that person.

**10. Motion and Voting Procedures**

**A. Action by Motion Followed by a Vote.** Except as provided in Rules 10(B)(2) and 11(D), any action by the Board must be initiated by a motion properly made by a Supervisor and followed by a vote, as provided below:

1. **Motion Must Be Seconded; Exception.** Each action by the Board must be initiated by a motion that is seconded; provided that a second is not required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate may not be further considered.
2. **Voting and Recording the Vote.** The vote on any motion must be by a voice vote. The Clerk must record the name of each Supervisor voting and how each Supervisor voted on the motion.
3. **Required Vote, Generally Required Vote for Specific Items.** Each action by the Board must be made by the affirmative vote of *a majority of the Supervisors present and voting* on the motion; provided that an affirmative vote of *a majority of all elected Supervisors* of the Board shall be required to approve an ordinance or resolution:
  - a. **Appropriations.** Appropriating money exceeding the sum of \$500.
  - b. **Taxes.** Imposing taxes.

c. **Borrowing.** Authorizing money to be borrowed. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)

4. **Tie Vote.** A tie vote defeats the motion voted upon. A tie vote on a motion to approve is deemed a denial of the item being proposed for approval. A tie vote on a motion to deny is not deemed an approval of the item being proposed for denial, and another motion may be made.

5. **Abstention.** Any Supervisor who will abstain from voting on any motion must declare the abstention before the vote is taken and state the grounds for abstaining. The abstention must be recorded by the Clerk.

B. **Motion and Vote Required to Act; Exception.** The Board acts on matters as follows:

1. **Motion and Vote Required.** Any action by the Board to adopt an ordinance or a resolution, and any other action when a motion is required by law or by these Rules, must be made by a motion followed by a vote.

2. **Motion and Vote Not Required; Unanimous Consent.** On any item in which the Board is not adopting an ordinance or a resolution, or for which a motion and a recorded vote is not otherwise required by law, the Board may make a decision by unanimous consent. This procedure is appropriate, for example, to provide direction to County staff on an item.

C. **Other Motions.**

1. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Supervisor. Upon a proper second, the motion to amend must be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both Supervisors making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.

2. **Motion to Call the Question.** The discussion of any motion may be terminated by any Supervisor making a *motion to call the question*. Upon a proper second, the Chair must call for a vote on the motion to call the question without debate on the motion itself, and the motion takes precedence over any other item. If the motion is approved, the Chair must immediately call for a vote on the original motion under consideration.

3. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a *motion to reconsider* is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, is to place the item for discussion in the exact position it occupied before it was voted upon.

4. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected Supervisors. The *motion to rescind* may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all of the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances are eligible for reconsideration as provided in Rule 10(C)(3).

## 11. **Other Rules: Robert's Rules of Order Procedure in Small Boards**

Procedural rules that are not addressed by these Rules are governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

A. **Not Required to Obtain the Floor.** Supervisors are not required to obtain the floor before making motions or speaking, which they can do while seated.

- B. **No Limitation on the Number of Times a Supervisor May Speak.** There is no limitation on the number of times a Supervisor may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. **Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.
- D. **Chair; Putting the Question to a Vote.** The Chair need not rise while putting questions to vote.
- E. **Chair; Speaking During Discussion.** The Chair may speak in discussion without rising or leaving the chair, and, subject to rule or custom of the Board (which should be uniformly followed regardless of how many Supervisors are present), the Chair usually may make motions and usually votes on all questions.

## 12. **Amending the Rules of Procedure**

These Rules may be amended only as follows:

- A. **Rules Eligible for Amendment.** Any Rule may be amended.
- B. **Procedure to Amend.** The Board may amend any Rule by any of the following procedures:
  - 1. **Notice Followed by Action at Next Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting, followed by a majority vote of the Supervisors present and voting to amend the Rules at the next Regular Meeting
  - 2. **Notice Followed by Action at Later Regular Meeting.** A Supervisor provides notice of an intention to amend the Rules to the other Supervisors present at a Regular Meeting and requests that the proposed amendment be considered at a meeting other than the next Regular Meeting; at the same meeting, a majority of the Supervisors present and voting establish the later Regular Meeting date at which the proposed amendment will be considered; followed by a majority vote of the Supervisors present and voting to amend the Rules at the Regular Meeting.
  - 3. **By Supermajority Vote.** A proposed motion to amend is added to the Final Agenda at any Regular Meeting; at the same meeting, five or more Supervisors vote to amend the Rules. This procedure should be used only to make minor technical amendments deemed to be necessary to allow the Board to efficiently and effectively conduct its business.
- C. **Motion.** The motion to amend a Rule may be made by any Supervisor. Upon a proper second, the motion must be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), 10(A)(3), and 10(B)(1) address statutory or constitutional requirements.
- D. **Limitation on the Effect of an Amendment.** The Board's approval of a motion to amend one or more Rules does not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

## 13. **Suspending the Rules of Procedure**

These Rules may be suspended only as follows:

- A. **Rules Eligible to be Suspended.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rules 10(A)(3) and 10(B)(1)), 11, and 12 may be suspended.
- B. **Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus one vote of the Supervisors present and voting. The motion to suspend a Rule may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a Rule, if approved, is to make that Rule inapplicable to the item before the Board.
- C. **Suspending Rules Pertaining to Motions When There is Uncertainty as to Status or Effect.** If one or more motions have been made on an item, and there is uncertainty as to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the Supervisors present and voting, suspend the Rules in Rule 10 for the sole

purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a Rule pertaining to any pending motions may be made by any Supervisor. Upon a proper second, the motion may be discussed and voted on.

- D. Limitation on Effect of Suspended Rules.** The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

\* \* \* \* \*

(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; 2-8-2017; 1-3-2018; 3-20-2019; 01-08-2020; 9-2-2020).

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2021 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That the FY 21 Budget is amended to increase it by \$14,202,479.00;
- 2) That Appropriations #2021025; #2021026; #2021027; and #2021028 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, 2021.

**ORDINANCE NO. 20-18(2)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, 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 I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

**By Amending:**

Sec. 3.1 – Definitions

Sec. 5.2A – Home occupations in the rural areas zoning district

Sec. 10.2.2 – By special use permit

**Chapter 18. Zoning****Article I. General Provisions****Sec. 3.1 - Definitions.**

The following definitions shall apply in the administration of this chapter:

...

*Landscape contractor.* “Landscape contractor” means an establishment providing landscaping services. For the purposes of this definition, “landscaping” means the modification of the landscape for an aesthetic or functional purpose.

...

[(§ 3.1: 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; [Ord. 01-18\(9\)](#), 10-17-01; [Ord. 02-18\(2\)](#), 2-6-02; [Ord. 02-18\(5\)](#), 7-3-02; [Ord. 02-18\(7\)](#), 10-9-02; [Ord. 03-18\(1\)](#), 2-5-03; [Ord. 03-18\(2\)](#), 3-19-03; [Ord. 04-18\(2\)](#), 10-13-04; 05-18(2), 2-2-05; [Ord. 05-18\(7\)](#), 6-8-05; [Ord. 05-18\(8\)](#), 7-13-05; [Ord. 06-18\(2\)](#), 12-13-06; [Ord. 07-18\(1\)](#), 7-11-07; [Ord. 07-18\(2\)](#), 10-3-07; [Ord. 08-18\(3\)](#), 6-11-08; [Ord. 08-18\(4\)](#), 6-11-08; [Ord. 08-18\(6\)](#), 11-12-08; [Ord. 08-18\(7\)](#), 11-12-08; [Ord. 09-18\(3\)](#), 7-1-09; [Ord. 09-18\(5\)](#), 7-1-09; 09-18(8), 8-5-09; [Ord. 09-18\(9\)](#), 10-14-09; [Ord. 09-18\(10\)](#), 12-2-09; [Ord. 09-18\(11\)](#), 12-10-09; Ord. 10-18(3), 5-5-10; [Ord. 10-18\(4\)](#), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; [Ord. 11-18\(5\)](#), 6-1-11; [Ord. 11-18\(6\)](#), 6-1-11; [Ord. 12-18\(3\)](#), 6-6-12; [Ord. 12-18\(4\)](#), 7-11-12; [Ord. 12-18\(6\)](#), 10-3-12, effective 1-1-13; [Ord. 12-18\(7\)](#), 12-5-12, effective 4-1-13; [Ord. 13-18\(1\)](#), 4-3-13; [Ord. 13-18\(2\)](#), 4-3-13; [Ord. 13-18\(3\)](#), 5-8-13; [Ord. 13-18\(5\)](#), 9-11-13; [Ord. 13-18\(6\)](#), 11-13-13, effective 1-1-14; [Ord. 13-18\(7\)](#), 12-4-13, effective 1-1-14; [Ord. 14-18\(2\)](#), 3-5-14; [Ord. 14-18\(4\)](#), 11-12-14; [Ord. 15-18\(1\)](#), 2-11-15; [Ord. 15-18\(2\)](#), 4-8-15; [Ord. 15-18\(4\)](#), 6-3-15; [Ord. 15-18\(5\)](#), 7-8-15; [Ord. 15-18\(10\)](#), 12-9-15; [Ord. 16-18\(1\)](#), 3-2-16; [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. 17-18(5), 10-11-17; [Ord. 18-18\(1\)](#), 1-10-18; [Ord. 18-18\(4\)](#), 10-3-18; Ord. 19-18(3), 6-5-19) (§ 4.15.03: 12-10-80; 7-8-92, § 4.15.03, [Ord. 01-18\(3\)](#), 5-9-01; [Ord. 05-18\(4\)](#), 3-16-05; [Ord. 10-18\(1\)](#), 1-13-10; [Ord. 10-18\(3\)](#), 5-5-10; [Ord. 10-18\(5\)](#), 5-12-10; [Ord. 11-18\(1\)](#), 1-12-11; [Ord. 12-18\(2\)](#), 3-14-12; [Ord. 14-18\(3\)](#), 6-4-14; [Ord. 15-18\(3\)](#), 5-6-15; § 4.15.3; [Ord. 15-18\(11\)](#), 12-9-15; Ord. 17-18(4), 8-9-17) (§ 4.17.3: Ord. 98-18(1), 8-12-98; [Ord. 01-18\(8\)](#), 10-17-01; [Ord. 17-18\(5\)](#), 10-11-17) (§ 4.18.2: Ord. 00-18(3), 6-14-00; [Ord. 13-18\(4\)](#), 9-4-13) (§ 10.3.3.1: § 20-10.3.3.1, 11-8-89; § 18-10.3.3.1, Ord. 98-A(1), 8-5-98; [Ord. 01-18\(6\)](#), 10-3-01) (§ 30.2.4: § 30.2.4, 12-10-80) (§ 30.3.5: § 30.3.02.1 (part), 12-10-80; 6-10-87; [Ord. 05-18\(1\)](#), 1-5-05, effective 2-5-05; § 30.3.5; [Ord. 14-18\(1\)](#), 3-5-14; [Ord. 17-18\(4\)](#), 8-9-17); § 3.1, [Ord. 19-18\(3\)](#), 6-5-19; [Ord. 19-18\(6\)](#), 8-7-19; Ord. 20-18(2), 9-2-20]

**State Law reference—** Va. Code § [15.2-2286](#) (A)(4).

...

**Article II. Basic Regulations**

...

**Sec. 5.2A – Home occupations in the rural areas zoning district.**

Each home occupation authorized in the rural areas zoning district shall be subject to the following:

...

I. Prohibited home occupations. The following uses are prohibited as home occupations: (1) any use (except landscape contractors) requiring a special use permit under [section 10.2.2](#); (2) animal rescue centers; (3) junkyards; (4) restaurants; (5) storage yards; (6) gun sales, unless the guns are made on-site by one or more family members residing within the dwelling unit; (7) on-site pet grooming; (8) body shops; (9) equipment, trailers, vehicles or machinery rentals; (10) shooting ranges; (11) commercial stables; (12) rummage or garage sales other than those determined by the zoning administrator to be occasional; (13) veterinary clinics or hospitals; (14) pyrotechnic (fireworks or bomb) device manufacturing or sales; and (15) any other use not expressly listed that is determined by the zoning administrator to be contrary to the purpose and intent of section 5.2A.

...

(Ord. 11-18(1), 1-12-11; Ord. 19-18(3), 6-5-19; Ord. 20-18(2), 9-2-20)

### Article III. District Regulations

...

#### 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:

...

59. Landscape contractors on lots three acres or more in size that do not otherwise qualify as an authorized home occupation under section 5.2A.

(§ 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; [Ord. 18-18\(2\)](#), 9-5-18; [Ord. 19-18\(3\)](#), 6-5-19; [Ord. 19-18\(8\)](#), 12-18-19; Ord. 20-18(2), 9-2-20)