

ACTIONS		
Board of Supervisors Meeting of October 20, 2021		
		October 21, 2021
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. Also present were Doug Walker, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Final Agenda. 		
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Commented that she would be sharing with the Board information about news from the NACO Arts and Culture Commission and possible ways to use local energy to build community through the arts <u>Ned Gallaway:</u> <ul style="list-style-type: none"> Stated that on October 19, he had joined City Councilman Lloyd Snook at an event for the International Rescue Committee to discuss a program about the resettlement of Afghans who were coming to the U.S and provided information on how citizens could assist with the transition to those who will be living in Albemarle. Mentioned that several of the Board of Supervisors members had the opportunity to welcome Governor Ralph Northam to the County on Thursday, October 14th for an economic development announcement regarding Bonumose and also to recognize the economic development team. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Announced that the Apple Harvest Festival is back and will be hosted by the Cove Garden Ruritans at Albemarle Cider Works on November 6, 2021. 		
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"> There were none. 		
8.1 FY 2022 Appropriations. <ul style="list-style-type: none"> ADOPTED resolution to approve appropriation #2022019 for local government projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 1)	
8.2 SE202100034 Homestay Special Exception - Blue Mountain Haven. (<i>Samuel Miller</i>) <ul style="list-style-type: none"> ADOPTED resolution to approve the special exception with the condition contained therein. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 2)	
8.3 Resolution Supporting the Commonwealth's Studies of Its Information Technology Systems and Services and Encouraging the General Assembly to Provide Funding for Needed Technology Modernization and Staffing to Support That Technology Throughout State Government. <ul style="list-style-type: none"> ADOPTED resolution. 	<u>Clerk:</u> Forward copy of signed resolution to General Assembly members and County Attorney. (Attachment 3)	
From the County Executive: Report on Matters Not Listed on the Agenda. <u>Doug Walker:</u> <ul style="list-style-type: none"> Presented County Executive's monthly report. 		
9. Closed Meeting.		

<ul style="list-style-type: none"> At 1:28 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (6), to discuss and consider the investment of public funds in the Rio Magisterial District related to the acquisition of real property where bargaining is involved and where, if made public initially, the financial interest of the County would be adversely affected. 		
10. Certify Closed Meeting. <ul style="list-style-type: none"> At 2:14 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
11. Work Session: Joint Work Session with the School Board - FY 23 - FY 27 Capital Improvement Plan. <ul style="list-style-type: none"> HELD. 		
Recess. At 4:01 p.m., the Board recessed and reconvened at 4:14 p.m.		
12. Presentation: Albemarle Charlottesville Regional Jail Facility Assessment. <ul style="list-style-type: none"> RECEIVED. 		
13. Presentation: Rivanna Water and Sewer Authority (RWSA) Quarterly Report. <ul style="list-style-type: none"> RECEIVED. 		
14. Presentation: Albemarle County Service Authority (ACSA) Quarterly Report. <ul style="list-style-type: none"> RECEIVED. 		
15. Closed Meeting. <ul style="list-style-type: none"> At 5:28 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: Under Subsection (1), to discuss and consider the annual performance of the County Attorney and the appointment of his successor upon his pending retirement in 2022. 		
16. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:07 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
17. 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"> There were none. 		
18. From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> Moved up on the agenda. 		
19. <u>Pb. Hrg.: Ordinance to Implement a Cigarette Tax.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance. 	Clerk: Forward copy of signed ordinance to Finance and Budget and County Attorney's office. (Attachment 4)	
20. <u>Pb. Hrg.: SP202100005 Haupt Property.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202100005 with the revised conditions, including the revised concept plan as amended. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)	
21. <u>Pb. Hrg.: CPA2021-01 Crozet Master Plan.</u> <ul style="list-style-type: none"> By a vote of 5:1 (Palmer), ADOPTED resolution to approve CPA202100001 as amended. 		
22. <u>Pb. Hrg.: Proposed Amendments to Road Naming and Property Numbering Ordinance and Manual.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Road Naming and 	Clerk: Forward copy of signed ordinance and resolution to Community Development and	

	Property Numbering Ordinance. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution approving the proposed draft Manual. 	County Attorney's office. (Attachment 6 and 7)	
23.	<u>Pb. Hrg.: Ordinance to Amend County Code Chapter 4, Animals.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance. 	<u>Clerk:</u> Forward copy of signed resolution to Police Department and County Attorney's office. (Attachment 8)	
	Motion to Reconsider Crozet Master Plan Resolution. <ul style="list-style-type: none"> Motion to reconsider Crozet Master Plan resolution passed by a vote of 6:0. By a vote of 5:1 (Palmer), ADOPTED resolution to approve CPA202100001 as amended. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)	
24.	From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> There were none. 		
25.	Adjourn to October 27, 2021, 11:00 a.m., electronic meeting pursuant to Ordinance No. 20-A (16). <ul style="list-style-type: none"> The meeting was adjourned at 10:16 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 2022 Appropriation

Attachment 2 – Resolution to Approve Special Exception for SE202100034 – 3393 Loch Brae Lane (Blue Mountain Haven) Homestay

Attachment 3 – Resolution Supporting the Commonwealth's Studies of its Information Technology Systems and Services and Encouraging the General Assembly to Provide Funding for Needed Technology Modernization and Staffing to Support that Technology

Attachment 4 – Ordinance No. 21-15(4)

Attachment 5 – Resolution to Approve SP202100005 Haupt Property

Attachment 6 – Ordinance No. 21-7(3)

Attachment 7 – Resolution Amending Albemarle County Road Naming and Property Numbering Manual

Attachment 8 – Ordinance No. 21-4(1)

Attachment 9 – Resolution to Approve Crozet Master Plan (CPA2021-00001)

**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2022019 is approved;
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE202100034 - 3393 LOCH BRAE LANE (BLUE MOUNTAIN HAVEN) HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2021-00034 - 3393 Loch Brae Lane (Blue Mountain Haven) Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the requested special exception would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 3393 Loch Brae Lane (Blue Mountain Haven) Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125-foot eastern and southern yards required for a homestay in the Rural Areas zoning district, subject to the condition attached hereto.

* * * *

SE 2021-00034 - 3393 Loch Brae Lane (Blue Mountain Haven) Homestay Special Exception Condition

1. Homestay use is limited to (a) the existing structure as currently configured and depicted on the Parking and House Location Exhibit dated September 28, 2021 and (b) additional structures or additions meeting the setbacks required for homestays.

**RESOLUTION SUPPORTING THE COMMONWEALTH'S STUDIES OF ITS INFORMATION
TECHNOLOGY SYSTEMS AND SERVICES AND ENCOURAGING THE GENERAL ASSEMBLY TO
PROVIDE FUNDING FOR NEEDED TECHNOLOGY MODERNIZATION AND STAFFING TO SUPPORT
THAT TECHNOLOGY**

WHEREAS, the Virginia General Assembly charged the Joint Legislative Audit and Review Commission (JLARC) to study the Virginia Information Technologies Agency's (VITA) organizational structure and staffing; and

WHEREAS, VITA is the Commonwealth's consolidated information technology (IT) agency and is responsible for providing infrastructure services to state agencies (such as laptops, internet and phone, and servers) and oversight of state agency informational technology IT functions (such as security, procurements, and project management); and

WHEREAS, in its Commission Draft Report to the Governor and the General Assembly dated September 20, 2021, JLARC made several recommendations, including: (1) VITA needing more IT security staff to handle growing security responsibilities; and (2) VITA having difficulty recruiting staff in certain highly technical areas such as cloud computing and enterprise architecture due, in part, to its inability to offer salaries competitive with the private sector; and

WHEREAS, the Virginia General Assembly also charged the Joint Legislative Audit and Review Commission (JLARC) to study the Virginia Employment Commission, which is responsible for the Commonwealth's unemployment insurance program, including processing claims for unemployment benefits; and

WHEREAS, in its Interim Draft Report dated September 20, 2021, JLARC observed that the unemployment insurance IT system was developed in 1985, relied on nearly obsolete programming language, required manual processes and paper documents, increased risks of errors and fraud, and frustrations with its use resulted in a poor customer experience and contributed to staff turnover; and

WHEREAS, the Interim Draft Report stated that attempts at modernizing the unemployment insurance IT system had been ongoing for 12 years; and

WHEREAS, the problems with the current unemployment insurance IT system were acute during the COVID-19 pandemic and the Board is appreciative that the Virginia Employment Commission has announced that a new system will implemented with a changeover period beginning November 1, 2021; and

WHEREAS, the information technology systems and software used by other state agencies have also been problematic, such as the Virginia Department of Health's original COVID-19 vaccine registry and scheduling software; and

WHEREAS, modern, reliable, convenient, and accessible information technology systems in state government are essential to allow Virginians to do meaningfully conduct business with their state government, and for state agencies to perform their work efficiently and effectively.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Albemarle County Board of Supervisors supports the Commonwealth's studies of its information technology systems and services and encourages the General Assembly to provide funding for needed technology modernization and staffing to support that technology throughout state government.

ORDINANCE NO. 21-15(4)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, 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 15, Taxation, is hereby amended as follows:

By Adding:

- Sec. 15-1500 Definitions.
- Sec. 15-1501 Levy and rate.
- Sec. 15-1502 Methods of collection.
- Sec. 15-1503 Registered agents.
- Sec. 15-1504 Requirements for retail dealers.
- Sec. 15-1505 Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.
- Sec. 15-1506 Illegal acts.
- Sec. 15-1507 Jeopardy assessment.
- Sec. 15-1508 Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.
- Sec. 15-1509 Disposal of seized property.
- Sec. 15-1510 Extensions.
- Sec. 15-1511 Penalty for violation of article.
- Sec. 15-1512 Each violation a separate offense.
- Sec. 15-1513 Severability.
- Sec. 15-1514 Application within towns.

Chapter 15. Taxation**Article 15. Cigarette Tax****Sec. 15-1500 Definitions.**

For the purposes of this Article, the following words and phrases have the meanings respectively ascribed to them by this Section, except in those instances where the context clearly indicates a different meaning:

Board or *BRCTB* means the Blue Ridge Cigarette Tax Board, or its administrator, in cases where the Board has delegated its duties or authority to the administrator.

Cigarette has the meaning given in Virginia Code § 58.1-1000.

Cigarette Machine Operator means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

Dealer means both "retail dealer" and "wholesale dealer," as those terms are defined in Virginia Code § 58.1-1000.

Package means any container of cigarettes from which they are consumed by a user. Ordinarily, a package contains 20 cigarettes; however, "package" includes those containers in which fewer or more cigarettes are placed.

Registered agent means any person who pays the tax or makes the report imposed under this article.

Retail dealer has the meaning given in Virginia Code § 58.1-1000.

Sale or *sell* means the transfer of cigarettes from a dealer to another person, for consideration, and includes the use of vending machines.

Stamp has the meaning given in Virginia Code § 58.1-3832(2).

Storage or *store* has the meaning given in Virginia Code § 58.1-1000.

Use has the meaning given in Virginia Code § 58.1-1000.

Wholesale dealer has the meaning given in Virginia Code § 58.1-1000.

(§ 15-1500, Ord. 21-15(4), 10-20-21, effective 1-1-22)

Sec. 15-1501 Levy and rate.

A tax upon the sale or use of cigarettes within the County is hereby imposed, at a rate of \$0.02 for each cigarette sold, stored, or received. The tax payable for each cigarette sold or used within the County shall be paid but once.

(§ 15-1501, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3830.

Sec. 15-1502 Methods of collection.

- A. Upon paying the tax imposed by this article, the taxpayer shall affix a stamp to the package for which the tax was paid, and shall report to the Board, in whatever form the Board provides. Stamps shall be affixed in such a manner that their removal will require continued application of water or steam. The report to the Board shall include the following:
1. The quantity of cigarettes sold or delivered to:
 - a. Each registered agent appointed by the Board for which no tax was collected;
 - b. Each manufacturer's representative;
 - c. Each person during the preceding calendar month;
 2. The quantity of BRCTB-stamped cigarettes on hand on the first and the last day of the preceding month, the quantity of BRCTB stamps received during that month, and the quantity of BRCTB-stamped cigarettes received during that month;
 3. The quantity of cigarettes on hand to which the BRCTB stamp had not been affixed on the first and last day of the preceding month, and the quantity of cigarettes received during that month to which the BRCTB stamp had not been affixed; and
 4. Any other information that the Board deems necessary to administer or enforce this article.
- B. Each registered agent shall report and pay the tax to the Board by the 10th day of the following month and shall provide to the Board copies of all cigarette tax reports submitted to the Virginia Department of Taxation.
- C. If a registered agent is unable to show the Board that it has purchased sufficient stamps, relative to the cigarettes that it sold or used, there is a presumption that those cigarettes were sold or used without the proper tax having been paid. The Board shall impose a penalty of 10 percent and may impose interest of 3/4 percent of the gross tax due per month.
- D. If a registered agent files a false report, fails to file a report, or acts to evade payment of the tax, the Board shall assess the tax and impose a penalty not to exceed 50 percent of the tax due and interest of 3/4 percent of the gross tax due per month. These taxes, penalties, and interest are due within 10 days after the Board issues notice of the deficiency.
- E. A registered agent that receives cigarettes not bearing the BRCTB stamp shall, within one hour of receipt, commence, and diligently complete, affixing the BRCTB stamp to each package.
- F. A registered agent that has notified the Board that it holds cigarettes for sale outside the jurisdiction of the Board, may hold such cigarettes without affixing the stamps required by this article. Any such cigarettes shall be kept separate from the BRCTB cigarettes, in such a manner as to prevent their commingling.

- G. A registered agent that loses untaxed cigarettes, whether by negligence, theft, or any other means, shall pay the tax imposed by this article.
- H. Registered agents shall keep all records of cigarettes sold or used, whether stamped or unstamped, for three years, and shall make all such records available for examination by the Board.

(§ 15-1502, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code §§ 58.1-3830, 3832.

Sec. 15-1503 Registered agents.

- A. Any person required to pay or report the tax under this article shall first file an application with the Board to qualify as a registered agent, in the manner specified by the Board, and provide a surety bond equal to 150 percent of its anticipated average monthly tax liability, made out by a surety company authorized to do business in Virginia. By filing an application, a person appoints the Board as its agent for service of process.

Upon receipt and review of an application and surety bond, the Board shall issue a registered agent permit to sell and use within the County.

- B. When any registered agent's monthly report and payment of the tax is not received when due, a late reporting penalty of 10 percent of the tax due shall be assessed. The penalty shall be imposed on the day after the report and tax are due and, once it is imposed, it becomes a part of the tax. The Board may revoke or suspend any registered agent's permit for failure to timely report or pay the tax, or if the registered agent's surety bond becomes impaired for any reason.
- C. All money collected as taxes under this article are held in trust by the dealer until remitted to the Board.
- D. The Board may conduct audits to determine any variance between the number of stamps purchased and the number of stamps reported to have been purchased. An assessment shall be made for all unaccounted-for stamps. Assessment of registered agents located outside the jurisdiction of the Board shall be based upon the average sale by locality during the audit period. Assessments of registered agents located within the jurisdiction of the Board shall be based upon the tax rate of the jurisdiction in which they are located. A penalty for not reporting shall be assessed, in the same manner and amount as in subsection (b).

(§ 15-1503, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1504 Requirements for retail dealers.

- A. Retail dealers shall purchase cigarettes only from a registered agent and give the registered agent the business trade name and address of the location where the cigarettes will be offered for sale to the public. Retail dealers cannot sell cigarettes that were previously purchased for personal use. Only licensed retail stores may sell cigarettes to the public. To be licensed, a retail store must have a valid Virginia state sales and use tax certificate and valid retail business license. Cigarettes must be purchased and stored separately for each business location. Retail dealers shall retain copies of cigarette purchase invoices and receipts for three years and provide them to the Board upon request. The Board may seize a retail dealer's cigarettes for failure to provide cigarette invoices or receipts, until it is able to verify that the tax has been paid. The Board shall seize cigarettes found without the appropriate stamp.
- B. The Board may make a search of any location at which it reasonably suspects that cigarettes are kept, to ensure that all cigarettes are properly stamped.

(§ 15-1504, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1505 Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.

- A. If any person is found to possess cigarettes without the proper tax stamp affixed, there is a rebuttable presumption that such cigarettes are untaxed in violation of this article.

- B. There is rebuttable presumption that cigarettes in a vending machine were placed there as an offer to sell. If a vending machine contains packages upon which the BRCTB stamp has not been affixed, or contains packages placed in a manner that does not allow inspection of the BRCTB stamp without opening the vending machine, there is a rebuttable presumption that the machine contains untaxed cigarettes in violation of this article.
- C. Cigarettes, vending machines, stamps, and other goods violating this article are contraband goods and may be seized by the Board.
- D. Additionally, the Board may seal a vending machine to prevent continued illegal sale or removal of cigarettes. The removal of a seal from a vending machine is a violation of this article.
- E. The owner of a vending machine shall plainly mark it with the owner's name, address, and telephone number.

(§ 15-1505, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 5-1506 Illegal acts.

It is a violation of this article for any person:

- A. To make any act or omission for the purpose of evading the full or partial payment of the tax imposed by this article, or to fail to obey a lawful order issued under this article;
- B. To falsely make, or cause to be made, an invoice or report; or to alter or counterfeit, or cause to be altered or counterfeited, any stamp; or to knowingly and willfully offer any false invoice or report, or altered or counterfeited stamp;
- C. To sell or offer for sale cigarettes upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid;
- D. To use cigarettes upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid; or
- E. To transport or authorize the transportation of 1,200 cigarettes or more in the county upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid, if they are:
 - 1. Not accompanied by a receipt or other document indicating the true name and address of the seller and purchaser and the brands and quantity of cigarettes;
 - 2. Accompanied by a receipt or other document that is false;
 - 3. Accompanied by a receipt or other document that fails to indicate that:
 - a. The non-Virginia purchaser is authorized by the law of that other jurisdiction to possess the cigarettes, and on which the taxes imposed by that other jurisdiction have been paid; or
 - b. The Virginia purchaser possesses a Virginia Sales and Use Tax Certificate and any license required by the locality of destination;
- F. To refill with cigarettes a stamped package from which cigarettes have been removed;
- G. To reuse or remove a stamp from a package with the intent to use it or cause it to be used again, after it has already been used to evidence the payment of the tax imposed by this article; or
- H. To sell, offer for sale or distribute any loose or single cigarettes.

(§ 15-1506, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1507 Jeopardy assessment.

If the Board determines that the collection of a tax under this article would be jeopardized by delay, it shall assess the tax, along with penalties and interest, and mail or otherwise issue a notice of the assessment to the taxpayer, together with a demand for immediate payment. In such cases, immediate payment is required, regardless of the due date for paying and reporting the tax under this article.

(§ 15-1507, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code §§ 58.1-3832, 58.1-3832.1.

Sec. 15-1508 Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.

- A. Any person aggrieved by a tax, penalty, or interest assessment or by a seal or seizure under this article may request a hearing before the Board, in the manner provided by the Board.
- B. The Board shall send notice within 24 hours of a seizure or sealing to each known holder of an interest in the property seized or sealed. Where the identity of a property interest holder is unknown at time of seizure or sealing, the Board shall post notice to a door or wall of the building that contained the seized or sealed property. The notice shall state the manner of requesting a hearing before the Board, as well as the affirmative defenses available under this section.
- C. A hearing must be requested within 15 days of the date that notice was postmarked. The request must be on the form provided by the Board and set forth the reasons why the Board's action should be reversed. Within five days after receiving a request, the Board shall notify the requester, by the method selected on the request form, of the hearing date and time, where the Board will accept an informal presentation of evidence. The hearing shall be within 15 days of the date of that notification. A request for hearing shall be denied if the assessed tax, penalties, or interest has not been paid, or if the request is untimely. Within five days after the hearing, the Board shall notify the requester of its decision, by the method selected on the request form.
- D. The Board shall grant appropriate relief if it determines that seized or sealed cigarettes were in the possession of a person other than the requester without the requester's consent. If the Board determines that a tax, penalty, or interest was erroneously assessed, it shall refund the amount erroneously assessed and shall return any property seized or sealed to the requester.

(§ 15-1508, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code §§ 58.1-3832, 58.1-3832.1.

Sec. 15-1509 Disposal of seized property.

Any seized property used to evade a tax imposed by this article may be disposed of by sale or other method the Board deems appropriate, after the owner has exhausted its appeals. The credit from any such sale shall not be credited to the owner.

(§ 15-1509, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1510 Extensions.

If the Board determines that good cause exists, it may grant an extension of up to 30 days to report or pay a tax. No interest or penalty shall accrue during such an extension.

(§ 15-1510, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1511 Penalty for violation of article.

A person convicted of violating a provision of this article shall be guilty of a misdemeanor, punished by a fine of not more than \$2,500.00 or imprisonment for not more than 12 months, or both. Such person shall remain liable for any underlying tax, penalty, or interest.

(§ 15-1511, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1512 Each violation a separate offense.

Each violation of this article constitutes a separate offense. Each day that a violation continues constitutes a separate offense.

(§ 15-1512, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1513 Severability.

If any portion of this article is invalidated by a Court of competent jurisdiction, that decision shall not affect the remainder of the article; and the remainder of the article shall continue in full force and effect.

(§ 15-1513, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3832.

Sec. 15-1514 Application within towns.

The tax imposed by this article shall not apply within the limits of towns. However, if the governing body of a town provides that the county cigarette tax, as well as the town cigarette tax, applies within that town, then the tax imposed by this article shall be imposed within that town.

(§ 15-1514, Ord. 21-15(4), 10-20-21, effective 1-1-22)

State law reference – Va. Code § 58.1-3830(B).

This ordinance shall be effective on an after January 1, 2022.

**RESOLUTION TO APPROVE
SP202100005 HAUPT PROPERTY**

WHEREAS, upon consideration of the staff report prepared for SP 202100005 Haupt Property and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(20) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the applicable provisions of Albemarle County Code § 18-5, and with the public health, safety, and general welfare (including equity);
4. be consistent with the Comprehensive Plan; and

WHEREAS, upon the recommendation of the Agricultural and Forestal Districts Advisory Committee, the Board determines that the camp and the proposed pavilion allowed by the special use permit are consistent with the purposes of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202100005 Haupt Property, subject to the conditions attached hereto.

* * * *

SP202100005 Haupt Property Special Use Permit Conditions

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, "SP202100005 Haupt Property Day Camp, Day Camp Map," prepared by B. Clark Gathright, LLC, dated September 25, 2021. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - Location of the camp entrance
 - Location of the staff parking and drop-off/turnaround areas
 - Location and size of the future pavilion
 - Location of outhouses/privies
 - Minimum grading and clearing possible may be allowed to locate sanitary facilities and pavilion as shown on the Haupt Property Day Camp concept plan
 Minor modifications to the plan which do not conflict with the elements above, with the approval of the Zoning Administrator and the Director of Planning, may be made to ensure compliance with the Zoning Ordinance and State and Federal laws.
2. The hours of operation: five days per week, Monday through Friday, for a maximum of 45 days per year, from June through August, beginning no earlier than 8:00 AM and ending no later than 5:00 PM. Overnight boarding or camping is not permitted.
3. No more than 50 people are permitted at each daily session of this camp use, including both camp staff and camp attendees.
4. Bus and carpool trips must be the primary means of transportation for camp staff and attendees. Documentation must be provided to Community Development staff prior to the issuance of a Zoning Clearance with a plan identifying how buses and carpools will be used to transport camp participants.
5. Daily trip generation from this use must not exceed the requirements of VDOT for a low volume commercial entrance. VDOT approval of such an entrance is required prior to issuance of a Zoning Clearance.
6. Health Department approval is required for all well, septic, and outhouse facilities prior to issuance of a Zoning Clearance.
7. Prior approval by the Fire Department will be required prior to all outdoor cooking and/or campfires.

8. All outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot-candles must be submitted to the Zoning Administrator or their designee for approval.
9. Sound amplification of any type is not permitted.

ORDINANCE NO. 21-7(3)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, ARTICLE 2, NAMING ROADS AND NUMBERING PROPERTIES, 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 7, Health and Safety, Article 2, Naming Roads and Numbering Properties, is hereby reordained and amended as follows:

By Amending:

- 7-200 Purpose.
- 7-202 Manual.
- 7-203 Maps.
- 7-204 Responsibility for placing and maintaining road signs.
- 7-206 Numbers to be displayed.
- 7-207 Responsibility for cost of signs and numbering.
- 7-208 Site plan, subdivision plat, and building permit requirements.
- 7-210 Violation and penalty.

CHAPTER 7. HEALTH AND SAFETY**ARTICLE 2. NAMING ROADS AND NUMBERING PROPERTIES****Sec. 7-200 Purpose**

The purpose of this article is as follows:

- A. *Efficiency and uniformity.* In order to provide for more efficient delivery of emergency and other services and to provide for uniformity in road naming and assigning of property numbers, this system for naming roads and numbering properties within the County is established.
- B. *All roads named, all addressable structures numbered.* This article is intended to ensure: (i) that all roads within the County that serve or are designed to serve three or more addressable structures are named and (ii) that all addressable structures within the County are assigned property numbers.
- C. *Definitions.* The following definitions apply in the administration of this article:
 - 1. *"Road"* means any public street, private street, or driveway used as the primary means of vehicular access to an addressable structure.
 - 2. *"Public street"* means a street maintained by the Virginia Department of Transportation (VDOT) as part of the primary or secondary system of highways.
 - 3. *"Private street"* means any street or other way or means of vehicular access approved as a "private street" or "private road" under any Albemarle County ordinance regulating the subdivision of land, that is not designed, constructed, bonded or approved to be maintained by VDOT as part of the secondary system of state highways, regardless of ownership.
 - 4. *"Driveway"* means any means of vehicular access that is not a public or private street.

(§ 16.01-1, 7-8-92; 10-13-93; Code 1988, § 16.01-1; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-201 Designation of agent.

The Director of the Department of Community Development is hereby designated the agent under Virginia Code § 15.2-2019 for the purpose of assigning road names and structure addresses, and for developing and maintaining a manual, and any associated maps, as provided in County Code §§ 7-202 and 7-203.

(§ 16.01-2, 7-8-92; 10-13-93; Code 1988, § 16.01-2; Ord. A(1), 8-5-98; Ord. 09-7(1), 7-1-09; Ord. 20-7(1), 3-18-20, effective 5-1-20)

State law reference-Va. Code § 15.2-2019.

Sec. 7-202 Manual.

- A. *Contents of the manual.* The agent will develop a manual prescribing: (i) a system for naming roads and numbering addressable structures within the County; (ii) the design of road signs; (iii) standards for site preparation for those signs; and (iv) standards for maintaining those signs.
- B. *Manual subject to approval by the Board; amendments.* The manual is subject to approval by the Board of Supervisors. Any amendments to the manual must also be approved by the Board.
- C. *Procedures and standards are mandatory.* Compliance with the procedures and standards in the manual are mandatory upon its approval by the Board of Supervisors.

(§ 16.01-3, 7-8-92; 10-13-93; Code 1988, § 16.01-3; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-203 Maps.

The agent will prepare and maintain current maps showing all roads that are named pursuant to this article, the names of the roads, and the numbers of the addressable structures.

(§ 16.01-4, 7-8-92; 10-13-93; Code 1988, § 16.01-4; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-204 Responsibility for placing and maintaining road signs.

The responsibility for placing and maintaining road signs required by this article is as follows:

- A. *County Engineer.* The County Engineer is to place signs at each intersection and at other locations deemed necessary by the agent on:
 - 1. Each road that (a) serves or is designed to serve three or more addressable structures and (b) is not approved as a part of a subdivision or site plan;
 - 2. Each road funded by the County or the Virginia Department of Transportation; and
 - 3. Each existing road serving more than two parcels but not more than two addressable structures, but not until the road serves three addressable structures; provided that if a subdivision or site plan is approved that would be served by the road, then the subdivider or developer is responsible for placing the signs pursuant to subsection (B).
- B. *Subdivider or developer.* The subdivider or developer is to place signs at each intersection and at other locations deemed necessary by the agent on:
 - 1. Each road approved as part of a subdivision plat or site plan;
 - 2. Each existing road in an existing subdivision or development that is bonded for future acceptance into the secondary State highway system; and
 - 3. Each existing road for which placing signs becomes the responsibility of the subdivider or developer, as provided in subsection (A)(3).
- C. *Maintenance.* The subdivider or developer must maintain signs that it is required to place until the roads are taken into the secondary State highway system, or are taken over for maintenance by the homeowners as required pursuant to a private road maintenance agreement. Thereafter, the signs on roads in the secondary State highway system will be maintained by the County except where a special installation has been allowed under the manual.

- D. *Location.* Where practical and permitted, road name signs should be co-located on existing sign posts.

(§§ 16.01-1, 16.01-5, 7-8-92; 10-13-93; Code 1988, §§ 16.01-1, 16.01-5; Ord. 98-A(1), 8-5-98; Ord. 02-7(1), 1-9-02; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-205 Content of road signs.

Each road sign placed pursuant to this article must display the name of the road or roads, and any other information the agent deems necessary, including, but not limited to, secondary or other road numbers prescribed by the Virginia Department of Transportation.

(Chap. 16.01, § 16.01-5, 7-8-92; 10-13-93; Code 1988, § 16.01-5; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20)

State law reference-Va. Code § 15.2-2019.

Sec. 7-206 Numbers to be displayed.

The owner or other person responsible for each addressable structure must display the assigned number in a manner that is easily readable in accordance with the manual within 30 days after the address effective date as established by the United States Postal Service. The County will not issue a certificate of occupancy to an addressable structure that is (a) built after the United States Postal Service's established address effective date and (b) served by a named road, until the number is displayed in accordance with this article.

(§ 16.01-6, 7-8-92; 10-13-93; Code 1988, § 16.01-6; Ord. 98-A(1), 6-17-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-207 Responsibility for cost of signs and numbering.

- A. *When the County pays for signs.* The County will pay the cost to fabricate and place each sign it is required to install pursuant to County Code § 7-204(A).
- B. *When the subdivider or developer pays for signs.* The subdivider or developer must pay the cost to fabricate and place each sign it is required to install pursuant to County Code § 7-204(B).
- C. *The owner pays for numbers.* The owner of each addressable structure must pay the cost to fabricate and install each set of numbers for a structure.

(§ 16.01-1, 7-8-92; 10-13-93; Code 1988, § 16.01-1; Ord. 98-A(1), 6-17-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-208 Site plan, subdivision plat, and building permit requirements.

A final subdivision plat or final site plan that shows any road required to be named will not be approved by the County unless the subdivision plat or site plan displays on its face the approved name of each road. A building permit will not be issued by the County for any structure within the area shown on a subdivision plat or site plan until road signs have been installed by the subdivider or developer.

(§ 16.01-7, 7-8-92; 10-13-93; Code 1988, § 16.01-7; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law reference-Va. Code § 15.2-2019.

Sec. 7-209 Official address.

Each road name approved and each structure number assigned for a property pursuant to this article is the official address of the property for all purposes.

(§ 16.01-8, 7-8-92; 10-13-93; Code 1988, § 16.01-8; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20)

State law reference-Va. Code § 15.2-2019.

Sec. 7-210 Violation and penalty.

A willful violation of this article by any person is punishable as a class 1 misdemeanor. In addition to the penalty specified above, the agent may seek any other lawful remedy, including injunctive relief, to correct or abate a violation of this article.

(Ord. of 7-8-92; Ord. of 10-13-93; Code 1988, § 16.01-9; Ord. 98-A(1), 8-5-98; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 21-7(3), 10-20-21)

State law references-Va. Code §§ 15.2-1429, 15.2-2019

RESOLUTION

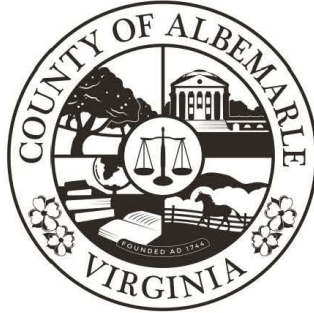
WHEREAS, the Albemarle County Road Naming and Property Numbering Manual ("Manual") has been adopted by the Board of Supervisors; and

WHEREAS, the Board desires to amend the Manual.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends the Albemarle County Road Naming and Property Numbering Manual, as set forth on the attached document, attached hereto and incorporated herein.

* * * * *

Albemarle County



Road Naming and Property Numbering Manual

Adopted August 5, 1992
Revised and Readopted October 13, 1993
Revised and Readopted January 6, 1999
Revised and Readopted December 5, 2001
Revised and Readopted February 8, 2017
Revised and Readopted January 15, 2020
Revised and Readopted October 20, 2021

ALBEMARLE COUNTY ROAD NAMING AND PROPERTY NUMBERING MANUAL

INTRODUCTION

This Manual prescribes a system for the naming of roads; the numbering of properties and structures; and the erection and maintenance of associated signage as provided for in County Code § 7-200 et seq.

The Director of the Department of Community Development or his/her designee will interpret and administer this Manual.

DEFINITIONS

Addressable Structure: Any building used for human habitation, or gathering, or for the production or sale of goods or services.

Agent: The Albemarle County Director of Community Development.

Computer Aided Dispatch (CAD) System: A computer system used to manage incoming 911 calls at the Charlottesville-University of Virginia-Albemarle County Emergency Communications Center.

Designator: Suffix used to indicate the road type.

Driveway: Any means of vehicular access that is not a public or private street.

Geographic Information System (GIS): A system used for the management, analysis, and display of geographic knowledge that is represented using a series of information sets including mapping, data, and processing and workflow models.

Private street: Any street or other way or means of vehicular access approved as a “private street” or “private road” under any Albemarle County ordinance regulating the subdivision of land, that is not designed, constructed, bonded or approved to be maintained by VDOT as part of the secondary system of state highways, regardless of ownership.

Public street: A street maintained by the Virginia Department of Transportation (VDOT) as part of the primary or secondary system of highways.

Road: Any public street, private street, or driveway used as the primary means of vehicular access to an addressable structure.

PART I. ROAD NAMING

1. Roads Requiring Names

All roads within the County that serve or are designed to serve three or more addressable structures must be named.

2. Review and Approval of Proposed Road Names

The agent will review all proposed road names for conformance with the guidelines established herein. If a proposed road name is found to be in accordance with all provisions of Part I of this Manual, the agent will approve the name.

3. Maintenance of Master Road Names Directory and Road Names Map

All approved road names will be listed in the County's GIS maintained in the offices of the agent.

4. Road Name Guidelines

The following guidelines apply, provided the agent may modify, vary, or waive any guideline in Part I, Section 4, provided that such a modification, variation, or waiver is consistent with County Code Section 7-200.

Procedures and standards

- a. A proposed road name may not duplicate an existing or reserved road name within a United States Postal Service zip code in Albemarle County or the City of Charlottesville. An exception may be made for dead end streets that have the same name as the road from which they originate (e.g., if "Amberfield Court" originates from "Amberfield Drive").
- b. Road names are limited to three words, not including the road type designator.
- c. A road name may not exceed 16 characters, including spaces. The designator's abbreviation does not count towards this limit.
- d. A road name may not include numbers, dashes, apostrophes, or other non-alphabetical characters.
- e. Compass points such as NORTH and EAST may not be used in road names.
- f. Articles (the, a, an) may not be used to begin road names.
- g. Road names may not duplicate facilities or generic descriptions of road features (e.g., "Bowling Alley," "Tennis Court," "Dirt Road").

- h. Road names derived from community names or geographic features are limited to roads in close proximity to such communities or geographic features.
- i. No proposed road name may begin with a word that appears as the first word in five or more official road names. Homophones and homographs are considered the same word for the purposes of this restriction. The restriction also includes roads where the first word is concatenated to subsequent words or contains different punctuation marks (e.g., Greensleeves Rd is considered to start with the “Green” or “Star’s” is considered the same as “Stars”).
- j. No proposed name may be a homophone or homograph of an official road name or easily confused with an official road name (e.g., “Forrestview” and “Forestvue” are homophones and “bow” in “Bow and Curtsie Ln” and “Bow Tie Dr” is a homograph).
- k. When a proposed road is a continuation of or in alignment with an approved road, it must utilize the same road name as the approved road. A new road name will be required if the proposed road is disconnected from the existing road by an offset greater than 60 feet.
- l. When a proposed road name is spelled in a way that could lead to confusion during emergency response, the agent will suggest an alternative road name. Examples include words with very few vowels or non-standard spellings (e.g., “Checkrz Ln” or “Nite Owl Rd”).
- m. Proposed road names must not be ineligible for naming rights under *Virginia Code* § 33.2-213.

5. Road Type Designators

Road type designators must be consistent with the roadway's expected traffic use, width of right-of-way, and physical design/location.

The following guidelines apply, provided the agent may modify, vary, or waive any guideline in Part 1, Section 5.

ALBEMARLE COUNTY STREET AND ROAD TYPE DESIGNATIONS

<i>ALY</i>	<i>Alley</i>	A narrow or minor road in a community.
<i>AVE</i>	<i>Avenue</i>	A major road in a community.
<i>BND</i>	<i>Bend</i>	Generally a minor road in subdivision.
<i>BLF</i>	<i>Bluff</i>	Generally along high ground.
<i>BLVD</i>	<i>Boulevard</i>	Wide road with median and landscaping.
<i>BR</i>	<i>Branch</i>	Generally a narrow minor road either coming off a major

		road (it may reconnect with the original road it split from), or connecting two or more minor roads.
<i>BRK</i>	<i>Brook</i>	A narrow or minor road running along or near a past or present waterway.
<i>CYN</i>	<i>Canyon</i>	A narrow road lined on both sides by tall landforms or buildings.
<i>CTR</i>	<i>Center</i>	Shopping, commercial areas.
<i>CIR</i>	<i>Circle</i>	A road that returns to itself.
<i>CMN</i>	<i>Common</i>	See "Square".
<i>CV</i>	<i>Cove</i>	Generally a minor road in a subdivision.
<i>CT</i>	<i>Court</i>	Generally shorter, permanent dead ends or cul-de-sacs.
<i>CRK</i>	<i>Creek</i>	See "Brook".
<i>CRES</i>	<i>Crescent</i>	Generally shorter, permanent dead ends or cul-de-sacs.
<i>CRST</i>	<i>Crest</i>	Generally short curved minor roads.
<i>XING</i>	<i>Crossing</i>	A road that crosses a geographic feature such as a creek or mountain pass or, a short road that serves as a connector between two other roads.
<i>XRD</i>	<i>Crossroad</i>	A road that runs through one or more major intersections, or a road the runs through multiple intersections with minor roads.
<i>DR</i>	<i>Drive</i>	A winding arterial/collector.
<i>EST</i>	<i>Estate</i>	Single ownership (three or more dwellings).
<i>EXT</i>	<i>Extended (Extension)</i>	A road or street that extends a previously existing road to serve as a connector between main roads, communities, commercial areas, or a combination of these.
<i>FARM</i>	<i>Farm**</i>	Single ownership (three or more dwellings).
<i>FRD</i>	<i>Ford</i>	A road that crosses a past or present or present waterway.
<i>GLN</i>	<i>Glen</i>	Generally a road that runs through or along a narrow valley.
<i>GRN</i>	<i>Green(e)</i>	See "Square".
<i>GRV</i>	<i>Grove</i>	Generally a minor road in a subdivision.
<i>HTS</i>	<i>Heights</i>	Generally along high ground.
<i>HL</i>	<i>Hill</i>	Generally along high ground.
<i>HWY</i>	<i>Highway</i>	Federal or state designated primary road.
<i>HOLW</i>	<i>Hollow</i>	Generally a road that runs through or along a geographic area characterized by one or more natural depressions.
<i>KNL</i>	<i>Knoll</i>	Generally along high ground.
<i>LN</i>	<i>Lane</i>	Generally a narrow road.
<i>LOOP</i>	<i>Loop</i>	A drive that begins and ends on the same road.
<i>MNR</i>	<i>Manor</i>	Single ownership (three or more dwellings).
<i>MDW</i>	<i>Meadow</i>	Generally a minor road running through an area of low-lying grassland.
<i>MEWS</i>	<i>Mews</i>	A road or street lined on either side by dwellings converted from stables or dwellings built to look like stables, or a road running through an area with groups of stables.
<i>ML</i>	<i>Mill</i>	A minor road or street running to or near a past or present mill, factory, processing plant, workshop, or other similar structure.
<i>MTN</i>	<i>Mountain</i>	Generally along high ground at an elevation greater than

<i>PARK</i>	<i>Park</i>	that for a hill.
<i>PKWY</i>	<i>Parkway</i>	Reserved for entranceways to public parks.
<i>PASS</i>	<i>Pass</i>	A scenic or landscaped road.
<i>PSGE</i>	<i>Passage</i>	See "Trail" or "Path".
		A narrow minor road lined on either side by buildings or geologic formations that serves as a connector between two other roads.
<i>PATH</i>	<i>Path</i>	A short and/or narrow road.
<i>PL</i>	<i>Place</i>	A dead end or cul-de-sac road from which other cul-de-sacs originate.
<i>PNES</i>	<i>Pines</i>	A narrow road running through an area dominated, in the past or present, by pine trees or pineapple plants.
<i>PLZ</i>	<i>Plaza</i>	See "Square".
<i>PT</i>	<i>Point</i>	Generally along high ground.
<i>REACH</i>	<i>Reach**</i>	Generally a minor road in a subdivision.
<i>RNCH</i>	<i>Ranch</i>	A road leading to or running alongside a large farm(s).
<i>RST</i>	<i>Rest</i>	A short or narrow road with a dead end or cul-de-sac.
<i>RDG</i>	<i>Ridge</i>	Generally along high ground.
<i>RIV</i>	<i>River</i>	See "Brook".
<i>RD</i>	<i>Road</i>	Generally an arterial/collector road connecting to the primary system.
<i>ROW</i>	<i>Row</i>	A short street that parallels another road.
<i>RUN</i>	<i>Run</i>	See "Trail" or "Path".
<i>SPG</i>	<i>Spring</i>	See "Brook".
<i>SPUR</i>	<i>Spur</i>	Usually a short minor road coming off a longer, major road that neither connects with another major road nor reconnects with the original road it branched from.
<i>SQ</i>	<i>Square</i>	Generally a central area with buildings clustered around it.
<i>STA</i>	<i>Station</i>	A road or street connecting to a stopping place with one or more buildings, like a commercial hub.
<i>ST</i>	<i>Street</i>	A community or subdivision road.
<i>TER</i>	<i>Terrace</i>	Generally a minor road in a subdivision.
<i>TRCE</i>	<i>Trace</i>	Generally a minor road in a subdivision.
<i>TRL</i>	<i>Trail</i>	Generally reserved for roads through uninhabited areas.
<i>TPKE</i>	<i>Turnpike</i>	Reserved for historic turnpikes.
<i>VLY</i>	<i>Valley</i>	Generally a minor road running through an area of low lying grassland located between hills.
<i>VW</i>	<i>View</i>	See "Parkway".
<i>WALK</i>	<i>Walk</i>	See "Trail" or "Path".
<i>WAY</i>	<i>Way</i>	A minor road or street often which dead ends.

Four and five-letter designators may be spelled out completely in suffix space on sign.

****You may use Farm and Reach, but only if spelled out completely.**

6. Road Naming Process

a. Policy on Participation in Road Naming

- (1) The process of naming roads is limited to the owners of property abutting the road in question.
- (2) Where the road abuts several properties, the abutting owners will be given the first opportunity to propose the name.
- (3) If there is no participation from the abutting owners, or they cannot agree on a road name, the agent will name the road in accordance with County procedures.

b. Processing Requests for Road Names

Requests to name unnamed roads or to re-name roads must be made in writing to the agent and must include the following information:

- (1) A list of the parcel numbers for the properties abutting the unnamed road in question along with the proposed name of the road.
- (2) A list of all owners of property abutting the road in question together with certification, to the satisfaction of the agent, that all such owners were notified of the proposed name.
- (3) Signatures of at least two-thirds of the owners of parcels abutting the unnamed road in agreement of a common road name. When determining the percentage of owners in agreement, an owner owning more than one parcel abutting the road in question is equivalent to an owner owning one parcel.

Upon validating that at least two-thirds of the owners of parcels abutting the road in question have signed the petition in favor of a common road name, and that the proposed name is otherwise consistent with Part I of this Manual, the agent will approve the road name.

- (4) The agent may administratively approve a change to the name of an existing named road to correct errors. In all other cases, including when a two-thirds majority is not in agreement, the agent will forward the road name change request to the Board of Supervisors for approval.

c. Road Name Reservation Process

Road names may be reserved during the preliminary plan or plat review process by a written request to the agent. Names will remain reserved for five (5) years unless the project is disapproved, abandoned, or otherwise voided. Once a final subdivision plat or site plan is approved, any reserved road names not used in the final plat or plan will no longer be reserved.

d. Road Naming in the Subdivision and Site Development Review Process

7

- (1) A developer may contact the agent prior to submission of a subdivision plat or site plan to determine the viability of proposed names. Road names may be reserved as provided in Section 6.c.
- (2) Proposed road names must appear on all final site plans and subdivision plats, where applicable.
- (3) No final site plan or final subdivision plat may be approved by the agent until all travelways in the project requiring road names are assigned agent-approved road names.
- (4) Names approved on a preliminary plan/plat will be reserved for five (5) years and must be shown on the final plan/plat.

7. Final Authority of Board of Supervisors to Assign Road Names

The Board of Supervisors may name or rename any road at any time.

PART II. NUMBERING

1. Assignment of Numbers by Agent

- a. All numbers for properties and addressable structures will be assigned by the agent or his/her designee following the procedures and guidelines contained in this Manual, provided that the agent may waive, vary, or modify any guideline in Part II. Numbers assigned by any other person or entity will not be recognized.
- b. Numbers will be assigned to any new addressable structure. Numbers will not be officially assigned until the final site plan or subdivision plat has been approved, if applicable. Numbers will be assigned for unoccupied structures (e.g. personal wireless facilities) when requested by individuals for structures that do not require site plan or subdivision approval. For those structures that will be occupied, numbers will not be assigned prior to an approved footing inspection.
- c. Number Range of Road Established
 - (1) A numbering grid overlay established number ranges for many existing roads. Extensions of these roads will continue where the numbering concluded using procedures described in this section. For new roads, the low end of the number range will be at the point where the new road intersects an existing named road. Numbering increases from that point. The range values should be different from the range values of streets that the road may cross. (e.g., if an existing road has a range value in the 3000's, the new road that intersects the existing road should have a range value with three digits.) The lowest range value assigned for a road is 100. If a value range begins with an even number, it should end in an odd number or vice versa. This

ensures address parity for CAD purposes.

The agent, in his/her sole discretion, may deviate from the aforementioned numbering range for a road if any of the following factors create the need for a deviation: the type of development, the relationship of the road to existing roads, and the pattern of address numbers. In urbanized areas, some roads may be provided a 100 block numbering to create a city-style block numbering pattern even if blocks have different lengths.

(2) When a named road is also located in a neighboring jurisdiction, consideration will be given to numbering that already exists in the other jurisdiction. When a new, named road will extend into a neighboring jurisdiction, both jurisdictions will cooperate to establish a number range acceptable to both jurisdictions.

(3) No number may be used more than once on a named road.

d. **Numbers Assigned**

The numbering of the addressable structures and properties along the road segment must use an equal-interval method resulting in one odd/even number pair for every 20 feet of road frontage. Modifications to this pattern may occur depending on the type of development involved, the relationship of the road to other roads around it, and the pattern of address numbers. For example, a shopping center with large anchor tenants and smaller shops may result in assignment of an even number such as 100 for the anchor tenant and adjacent smaller shops numbered in the 100s. Other anchor tenants may also receive an even number such as 200 with adjacent smaller shops numbered in the 200s.

2. General Numbering Guidelines

- a. Even numbers should occur on the right side of the road in the direction of increasing range. Odd numbers should occur on the opposite side of the road.
- b. The specific number of an addressable structure or property is determined by the location where the structure or property's access intersects with the named road.
- c. The number sequence for addressable structures or properties on opposite sides of a road should conform to each other as nearly as possible.
- d. The use of half numbers is not consistent with best practices and is strongly discouraged. Half numbers may be used only when (i) the detached structure that requires an address shares its primary access with an existing structure that has a primary address, and (ii) there is no available address under the General Numbering Guidelines. The Agent may assign a new address using a half number with the existing primary address of the adjacent existing structure as a base. Alphabetical suffixes are acceptable when a secondary address designation is necessary within an existing addressable structure.
- e. Reverse frontage or through lots are numbered along the local road that provides access

to the lot. The agent may assign numbers to addressable structures that are accessed only by an alley or sidewalk.

- f. Corner lots are numbered on the road that provides access. Where the driveway for a corner lot intersects more than one street or the corner lot's addressable structure is much closer to one road, the agent will make the final determination as to which road to base the number, with consideration to such factors as the driveway's length, orientation of the structure, and other relevant factors.
- g. Two addressable structures sharing an access are numbered consecutively with adequate consideration given to possible future development and other addressable needs between the structures.
- h. A temporary number may be issued to a temporary structure (such as a construction site trailer office), to be retired upon removal of the temporary structure.

3. Manufactured/Mobile Home Developments

All roads in manufactured/mobile home parks are treated as private streets unless dedicated for maintenance by the Virginia Department of Transportation, and road name and road signage must apply accordingly. Each manufactured/mobile home lot must be numbered in accordance with this Manual. The manufactured/mobile home park owner must post lot numbers in a manner acceptable to the agent in accordance with Part IV, Section 1, of this Manual.

4. Residential Apartments and Other Multi-dwelling Structures

Individual apartment units are numbered considering the type of unit, the individual apartment entrance location, and building design as follows:

- a. Duplex: A number is provided to each individual unit at its front entrance.
- b. Townhouse: A number is provided to each individual unit at its front entrance.
- c. Garden Apartment: A number is provided to each unit at the entrance. If the apartment unit's entrance is located on an inside foyer, a number is provided outside the building entrance. Each unit located on such foyer is provided with a numerical suffix as a secondary method of addressing. Specifically, ground floors use suffixes in the 100's starting at unit 100, the second floor uses the 200's starting at unit 200 and other levels will start in a similar fashion (the basement level uses 000's starting at unit 001). The building number and road name followed by the apartment unit's numerical designation shall form the address (e.g., 630 Old Shady Grove Road, Unit 101). Numerical characters may not be combined (e.g., 630-101 Old Shady Grove Road). The development name may also be used in the address whenever desirable. For single level garden apartments and house apartments, letters may be acceptable as a secondary method of addressing.

5. Commercial, Office, and Industrial Complexes

For commercial, office, and industrial complexes, a numbering choice will be made by the agent from several methods:

- a. Assign the number to the main building where all mail is to be received for the complex. The development name may be included in the address.
- b. Each principal building in the complex may be provided a separate number, and the buildings may also be named. The development name and/or the building name may be included in the address.
- c. For shopping center developments, a separate number will be assigned for each unit's main entrance. The shopping center name should be included in the address. Consideration should be given when assigning numbers to provide flexibility for adding stores and redivision of spaces. If a space is further divided and no numbers remain available, alphabetical or numerical unit designations are used.
- d. Interior mall shopping centers should have one number assigned for the entire mall. The shopping center name and store name should be included in the address. Individual stores should not be assigned numbers except that secondary addressing may be provided in accord with Part II, Section 2(d) of this Manual. A separate property number may be assigned for the mall business office.
- e. Where deemed appropriate by the agent, a multiple-story building may be assigned one address number at its main entrance. Individual units may be provided with secondary addressing based on floor numbering together with unit appellation such as "suite" or "room." The first floor is assigned numbers beginning with 100 and numbers on each successive floor should increase to the next highest multiple of 100.

6. Agencies to Be Notified of Numbers Assigned

- a. The agent will maintain a database of addressable structures in the County's GIS that will be publicly available as provided by law. When assigning new addresses to addressable structures, the agent will notify the property owner in writing as well as the local branch of the United States Postal Service that delivers mail to the new address.
- b. The agent will also notify any other governmental agencies or departments and utilities about the assignment of an address upon request by any of the agencies, departments or utilities.

PART III. SPECIFICATION FOR ROAD NAME SIGNAGE

1. Materials and Physical Description for Signs

a. Standard Signs

Standard signs must be used along all single lane roads except at intersections with multi-lane roads having posted speed limits greater than 40 mph.

A standard sign must be nine inches high. The road name sign blank must be made from extruded aluminum material conforming to ASTM 6209 for Alloy 5052-H38 or its equivalent. The sign blank thickness must be 0.83" or greater, and each corner of the sign blank must be square cut.

b. Oversize Signs

Oversize signs must be used along all multi-lane roads having posted speed limits greater than 40 mph and at single lane roads intersecting multi-lane roads having posted speed limits greater than 40 mph.

An oversize sign must be 12 inches high. The road name sign blank must be made from flat aluminum material conforming to ASTM 6209 for Alloy 5052-H38 or its equivalent. The sign blank thickness shall be 0.080" or greater, and each corner of the sign must be 1.5" radius cut.

c. Sign Dimensions

The letter type for all signs must conform to Federal Highway Administration's "Standard Alphabets for Highway Signs," Series C, upper case and lower case, as prescribed below and in the latest version of the Manual on Uniform Traffic Control Devices (MUTCD).

The size of the sign blanks, message lettering, and reserved spaces for route and block numbers for Standard and Oversize signs are as follows:

	<u>STANDARD</u> (Local/Subdivision)	<u>OVERSIZE</u> (Primary/Collector)
<u>SIGN BLANKS</u>		
Horizontal length	30" min to 48" max	30" min to 60" max
Vertical length	9" (extruded)	12" (flat)
<u>RESERVED SPACES (Route Decal¹, Block Number, Suffix)</u>		
Horizontal Measurement	8"	12"
Vertical Measurement	2"	3"
<u>MESSAGE LETTERING: SIZE AND TYPE</u>		
Prefix	3" Series C	4" Series C
Name	6" letter group ² Series C	8" letter group Series C
Suffix	3" letter group Series C	4" letter group Series C
Route Decal	1.5" Series C	2" Series C
Private	1.5" Series C	2" Series C
Block Number	1.5" Series C	2" Series C

¹ For privately maintained roads, place the word PRIVATE in Route Decal Space.

² The "letter group" designation (e.g., 6") indicates the height of the uppercase letters, lower case letters will be proportional to the height of the uppercase letter for that group as detailed in the Standard Alphabet for Highway Signs.

The less common designators such as FARM, WAY, HEIGHTS, and TRACE may be placed in the main message field if space is available.

The sign may be constructed using the cut letter process. The green and white colors must be uniform throughout the length of the sign.

- (1) When the cut letter process is used, the sign blank must be covered on both sides for the entire length of the blank with a high intensity (prismatic) reflectorized green background sheeting, 3M "Scotchlite" brand product number 3877 or equivalent product. High intensity (prismatic) reflectorized sheeting 3M "Scotchlite" product number 3870 or equivalent product must be used for the silver-white letters and numerals. The reflective material must be applied to both sides of the blank name plate with mechanical equipment in a manner specified by the sheeting manufacturer. The sign background must be comprised of not more than one piece of reflective sheeting. The letters and numerals must be applied on both faces of the sign using the cut letter process. The reflective sheeting must have a minimum guaranteed life of ten years. Signs must be replaced when they surpass the minimum guaranteed life.
- (2) The maximum space available on a standard nine-inch (9") sign for the road name must be 32 inches and an oversize twelve-inch (12") sign must be 44 inches of space for the road name. Spacing between letters within a street name should conform to the spacing dimensions shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways unless it would result in a sign width greater than the maximum space available. If the name will not fit in the space available, a 30 percent force factor may be used. Finally, if the approved road name will not fit on the maximum length sign with the Series-C letters and a 30 percent force factor, the County Engineer may issue a waiver at his/her sole discretion.
- (3) At the end of the road name are three spaces in a stacked orientation that are reserved for the route decal, the block number, and the road type suffix. If the block number is to be affixed in decal form, the decal must be of the same material as the main sign sheeting. The directional triangle, a 1.5-inch equilateral triangle for the nine-inch sign or 2.0-inch equilateral triangle for the twelve-inch sign, of silver-white "Scotchlite" material or equivalent product, is to be affixed in front of or at the end of the block number to point in the direction of increasing numerical values. See "Detail B" for location of spaces.
- (4) The route field background must be reflective white with vinyl, non-reflective black lettering/numbering.

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2. Post and Hardware Specifications

- a. A metal post must be used to mount all signs.
- b. The post must be a 14-gauge square galvanized steel quick punch break-away post complete with anchor base or equivalent, 9"x2"x2" for standard signs, and 10"x2"x2" for oversized signs. Hole diameters should be seven-sixteenths of an inch, centered, and aligned with holes on the opposite side.
- c. The standard signs must be assembled and attached to the post using caps, cross pieces, and heavy-duty aluminum vandal-resistant screws, bolts and/or nuts, as depicted in Figures III-1 through III-5. The oversize signs must be attached to the post using the direct-mount method and cap as depicted in Figures III-6 through III-10. The direct-mount method requires two single-sided oversize signs for each road name, mounted on opposing sides of the post. Each oversize sign must be riveted to the post at two points horizontally centered on the sign – one point located one inch below the top edge and one point located one inch above the bottom edge. The two oversize signs must be riveted to each other at each of the four corners, one inch from the corresponding horizontal edge and one (1) inch from the corresponding vertical edge. A two-inch spacer must be used between the two oversize signs at each of the four corner points to ensure the two signs are rigid and have a consistent two-inch gap between them as depicted in Figure III-7.
- d. A special sign post and/or installation may be allowed at the discretion of the County Engineer, provided it is equal to or exceeds the specifications above. Where deviation from the standards is allowed, a sign maintenance agreement between Albemarle County and the responsible party may be required for the perpetual maintenance of any special installation.



Figure III-1
Standard (9") Sign



Figure III-2
Cap (Standard Sign Installation) Top View



Figure III-3
Cap (Standard Sign Installation) Side View

Standard Sign Cap Specifications:

- sized for 2" square tubing
- made of aluminum
- sign bracket designed for extruded blade
- sign slot 5¹/₄" to 5¹/₂" in length
- each vertical surface pre-drilled for securing cap to post and sign to cap



Figure III-4
Cross Piece (Standard Sign Installation) Top View



Figure III-5
Cross Piece (Standard Sign Installation) Side View

Cross Piece Specifications:

- sign brackets set at 90°
- made of aluminum
- sign brackets designed for extruded blade
- sign slots 5¹/₄" to 5¹/₂" in length
- each vertical surface pre-drilled for securing signs to cross piece



Figure III-6
Oversize (12'') Sign Showing Direct Mount Method



Figure III-7
Oversize Sign Showing 2'' Spacer (Gab) Detail



Figure III-8
Oversize Sign Showing Corner Attachment Detail



Figure III-9
Cap (Oversize Sign Installation) Top View



Figure III-10
Cap (Oversize Sign Installation) Side View

Oversized Sign Cap Specifications:

- sized for 2'' square tubing
- made of aluminum
- pyramid shape
- design for pressure fit

3. Location of Post and Sign

- a. To minimize the number of separate signs, co-location of road name signs on existing sign posts is encouraged.
- b. The signpost must be placed in the road right-of-way at least three horizontal feet from any above ground or underground utility or equipment line. The installer must contact “Miss Utility” (1-800-552-7001 or 811) before installing signs. At the intersection of a primary and secondary road or if a road name changes at an intersection of two secondary roads, two sign locations are to be used. For all new roads, a minimum of two signs are required at every intersection. The signpost must be located on the right side of the street for a right turn onto the secondary road, where possible. The sign must be a minimum of five horizontal feet on the centerline radius of the curve from the outer edge of the pavement for roads without ditch lines. The sign must be installed behind an existing ditch line while remaining within the road right-of-way. On roads with ditch lines less than three feet from the edge of pavement, signs will be placed two horizontal feet back from the ditch line. (See “Detail A” for diagram). For urban road sections with curb and gutter, the signpost will be placed behind the edge of the curb and five horizontal feet on the centerline radius of the curve from the edge of pavement. If a sidewalk is adjacent to the curb, the signpost will be placed behind the sidewalk and within the right-of-way. Signs and posts must not obstruct wheelchair ramps or loading areas in the vertical or horizontal direction.
- c. At the intersection of two secondary roads, only one sign location is to be used except as otherwise required in Part III of this Manual. This is to be the right-corner of the intersection for inbound traffic to the subdivision (see “Detail A” for diagram).
- d. The County Engineer may allow an alternate sign location upon finding that due to existing site conditions, the foregoing locational requirements cannot be practicably met, or that an alternate location will equally or better serve the purposes of this Manual. Any alternate location is subject to County Engineer approval prior to installation of the sign.

PART IV. DISPLAY OF ADDRESS NUMBERS

1. General Guidelines for Display of Address Numbers

- a. Address numbers must be displayed at the property’s or addressable structure’s road entrance on a mailbox, post, fence, or other suitable location that is easily discernible from the road. If (i) the structure is 100 feet or less from the road, (ii) the entrance door of the structure is clearly visible from the road, and (iii) there is no mailbox, post, fence or other suitable location at the road entrance, numbers must be displayed on, above, or at the side of

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the main entrance door in a manner that is clearly visible from the road upon which it is numbered.

- b. The address number must be displayed as numerals rather than spelled out. Secondary address designations must comply with Part II of this Manual.
- c. The numerals and any lettering, must be at least three inches in height on a contrasting background (dark figures over a light background or light figures over a dark background).
- d. If the mailbox is not located on the named road from which the number is assigned, the entire address (number and road name) must be shown on that mailbox to avoid confusion. In such cases, the number also must be displayed on the property or addressable structure as stated above.
- e. On corner lots, the number must face only the street upon which the property is numbered.
- f. Any numbers previously displayed that could be confused with or mistaken for the assigned address number must be removed from the mailbox and property.
- g. The property owner must maintain numbers to remain clearly discernible from the roadway upon which the property is numbered.

2. Display of Address Numbers for Multi-Unit Buildings and Multi-Building Complexes

- a. If a building is divided into multiple units with separate entrances, and each unit is assigned an individual number, then each unit number must be displayed on or next to the main doorway.
- b. The address range of all individual unit numbers within a multi-unit building must be displayed in a manner that is clearly visible from the road upon which the units are numbered. If more than one building shares an access, then the address range must also be displayed on each building.

3. Additional Signage Required When Necessary

The agent may also require numbers or address ranges to be posted in additional locations as deemed necessary for the purpose of County Code § 7-200, et seq.

ORDINANCE NO. 21-4(1)

AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, DIVISION 2, DANGEROUS DOGS, 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 4, Animals, Division 2, Dangerous Dogs, is hereby reordained and amended as follows:

By Amending:

- Sec. 4-210 "Dangerous dog" and "dog" defined.
- Sec. 4-219 Responsibility if the owner of a dangerous dog is a minor.
- Sec. 4-220 Fund to which collected fees are to be allocated.

By Amending and Renaming:

- Sec. 4-211 When there is reason to believe an animal ~~dog~~ is a dangerous dog; summons and confinement.
- Sec. 4-212 Circumstances when an animal ~~dog~~ shall not be found to be a dangerous dog.
- Sec. 4-213 Judicial proceedings on a summons that an animal ~~dog~~ is a dangerous dog.
- Sec. 4-214 Animal ~~Dog~~ found to be a dangerous dog; requirement to obtain a dangerous dog registration certificate.
- Sec. 4-215 Animal ~~Dog~~ found to be a dangerous dog; confinement, leasing, and muzzling.
- Sec. 4-216 Animal ~~Dog~~ found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer; notice by animal control officer and abandonment; notice, generally..
- Sec. 4-217 Previous finding that an animal ~~dog~~ is a dangerous dog; subsequent acts by a dangerous dog.
- Sec. 4-218 Previous finding that an animal ~~dog~~ is a dangerous dog; willful noncompliance by owner.

Chapter 4. Animals

...

Division 2. Dangerous Dogs**Sec. 4-210 "Dangerous dog" and "dog" defined.****A. "Dangerous dog" means:**

1. *Bite, attack, or injury on a dog or cat; exceptions.* An animal that has bitten, attacked, or inflicted serious injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. "Serious injury" to a dog or cat includes a serious impairment of health or bodily function that requires significant medical attention, a serious disfigurement, or any injury that has a reasonable potential to cause death or any injury other than a sprain or strain. When a dog attacks, bites, or inflicts injury on a companion animal that is a dog or cat, the attacking or biting dog is not deemed dangerous if, upon investigation, a law enforcement officer or animal control officer finds that: (i) no serious injury has occurred as a result of the attack or bite; (ii) both animals are owned by the same person; or (iii) the incident originated on the property of the attacking or biting dog's owner. In determining whether serious injury to a companion animal that is a dog or cat has occurred, the officer may consult with a licensed veterinarian.
2. *Bite, attack, or injury on a person; exception.* An animal that has bitten, attacked, or inflicted serious injury on a person. "Serious injury" to a person includes laceration, broken bone, or substantial puncture of the skin by the animal's teeth. An animal is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that the injury inflicted by the animal upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.

- B. "Dog" includes, when used in reference to a "dangerous dog," a hybrid canine, as defined in Virginia Code § 3.2-6581.

(§ 4-210: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-

5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-210, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(A),(C),(H).

Sec. 4-211 When there is reason to believe an animal is a dangerous dog; summons and confinement.

If a law enforcement or animal control officer has reason to believe that an animal is a dangerous dog, the following applies:

- A. *Application for a summons.* Any law enforcement officer or animal control officer who (i) has reason to believe an animal is a dangerous dog and (ii) is located in the jurisdiction where the animal resides or where the act was committed may apply to a magistrate to issue a summons requiring the owner, if known, to appear before a general district court at a specific time. Nothing shall prohibit a law enforcement officer or animal control officer from securing a summons to determine whether an animal that is surrendered but not euthanized is a dangerous dog.
- B. *Written notice.* A law enforcement officer or animal control officer who applies for a summons pursuant to subsection (A) shall provide the owner with written notice of the application for a summons. For 30 days after the written notice is provided, the owner shall not dispose of the animal other than by surrender to an animal control officer or by euthanasia by a licensed veterinarian. An owner who elects to euthanize a dog about which notice has been given shall provide documentation of the euthanasia to an animal control officer.
- C. *Content of the summons.* The summons shall advise the owner of the nature of the proceeding and the matters at issue.
- D. *Confining the dog.* A law enforcement officer who successfully applies for a summons to be issued shall contact the County's animal control officer and inform the animal control officer of the dog's location and the relevant facts pertaining to the belief that the dog is dangerous. The animal control officer may confine the animal until the evidence is heard in court and a verdict is rendered. If the animal control officer determines that the owner can confine the animal in a manner that protects the public safety, the officer may permit the owner to confine the animal until the evidence is heard in court and a verdict is rendered. Upon being served with a summons, the owner shall not dispose of the animal, other than by euthanasia, until the case has been adjudicated.

(§ 4-211: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-211, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(B),(D),(E),(F).

Sec. 4-212 Circumstances when an animal shall not be found to be a dangerous dog.

An animal shall not be found to be a dangerous dog if any of the following apply:

- A. *During hunting or dog handling event.* The dog bit, attacked, or inflicted injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.
- B. *Particular breed.* Solely because the dog is a particular breed. The ownership of a particular breed of dog is not prohibited.
- C. *Person was committing crime, trespassing, or provoking, tormenting, or physically abusing the dog.* The threat, injury or damage was sustained by a person who was: (i) committing, at the time, a crime upon the premises occupied by the dog's owner; (ii) committing, at the time, a willful trespass upon the premises occupied by the dog's owner; or (iii) provoking, tormenting, or physically abusing the dog, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the dog at other times.
- D. *Police dogs.* The dog is a police dog and was engaged in the performance of its duties as a police dog at the time of the acts complained of.

- E. *Responding to pain or injury or protecting.* The dog was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's property, at the time of the acts complained of.
- F. *Court finds dog not dangerous or a threat to the community.* The court determines, based on the totality of the evidence before it, or for other good cause, that the animal is not dangerous or a threat to the community.

(§ 4-212: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-212, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(K).

Sec. 4-213 Judicial proceedings on a summons that an animal dog is a dangerous dog.

Judicial proceedings on a summons that an animal is a dangerous dog are as follows:

- A. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner of the animal to produce it and to provide documentation that it has been or will be within three business days implanted with electronic identification registered to the owner. The owner shall provide the registration information to the animal control officer.
- B. *Remedies if the court finds the animal to be a dangerous dog.* If, after hearing the evidence, the court finds that the animal is a dangerous dog:
 1. *Comply with statutory requirements.* The court shall order the animal's owner to comply with the provisions of this Division and Virginia Code §§ 3.2-6540.01, 3.2-6542, and 3.2-6542.1.
 2. *Pay restitution.* The court may order the owner of the dangerous dog to pay restitution for actual damages to any person injured by the dog or whose companion animal was injured or killed by the dog. The court's order shall not preclude the injured person from pursuing civil remedies, including damages that accrue after the original finding that the animal is a dangerous dog; and
 3. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the animal was taken into custody until the dog is disposed of or returned to the owner.
- C. If, after hearing the evidence, the court decides to defer further proceedings without entering an adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of this Section. If the court defers further proceedings, it shall place specific conditions upon the owner of the animal, including the requirement that the owner provide documentation that the dog has been or will be, within three business days, implanted with electronic identification registered to the owner. The registration information shall be provided to the animal control officer. If the owner violates any of the conditions, the court may enter an adjudication that the animal is a dangerous dog and proceed as otherwise provided. Upon fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner without an adjudication that the animal is a dangerous dog.
- D. *Trial and Appeals.* The procedure for appeal and trial is the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code § 19.2-260 *et seq.* The Commonwealth is required to prove its case beyond a reasonable doubt. Unless good cause is determined by the court, the evidentiary hearing shall be held not more than 30 days from the issuance of the summons. Unless good cause is determined by the court, the appeal of a dangerous dog finding shall be heard within 30 days.

(§ 4-213: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-213, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(H),(I).

Sec. 4-214 Animal found to be a dangerous dog; requirement to obtain a dangerous dog registration certificate.

If the court finds an animal to be a dangerous dog, the animal shall be registered as a dangerous dog as follows:

- A. *Owner must obtain a dangerous dog registration certificate.* The owner of any animal found to be a dangerous dog shall, within 30 days after the finding, obtain a dangerous dog registration certificate from the Director of Finance.
- B. *Requirements to obtain a dangerous dog registration certificate.* In order to obtain a dangerous dog registration certificate, the owner shall pay a fee of \$150.00, in addition to other fees that may be authorized by law, and present to the Director of Finance satisfactory evidence of all of the following:
 - 1. *Rabies vaccination.* The dog's current rabies vaccination, if applicable.
 - 2. *Spayed or neutered.* The dog has been spayed or neutered.
 - 3. *Confinement.* The dog is and will be confined in a proper enclosure, is and will be confined inside the owner's residence, or is and will be properly and safely muzzled and controlled by a physical leash used by the responsible adult owner until the proper enclosure is constructed.
 - 4. *Dog identified by electronic implantation.* The dog has been permanently identified by means of electronic implantation registered to the owner. The registration information shall be provided to the animal control officer.
 - 5. *Owner's residence posted.* The owner's residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property. Signs shall remain posted at all points of entry to the home and yard as long as the animal remains on the property.
 - 6. *Liability insurance or bond in surety.* The owner has liability insurance coverage, to the value of at least \$100,000.00 that covers dog bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
- C. *To whom certificate may be issued.* The Director of Finance may issue a dangerous dog registration certificate only to persons 18 years of age or older.
- D. *Form of the certificate; tag.* A dangerous dog registration certificate includes a uniformly designed tag provided by the Director of Finance that identifies the dog as a dangerous dog.
- E. *Affixing and displaying the tag.* The owner shall affix the tag to the dog's collar and ensure that the dog wears the collar and tag at all times.
- F. *Renewals.* Annually, the following must be done regarding an animal that is a dangerous dog:
 - 1. *Updated registration and fees.* The owner shall update and renew a dangerous dog registration certificate by January 31 of each year, until the dangerous dog is deceased. The annual renewal fee is \$85; otherwise, the certificate shall be renewed in the same manner as the initial certificate was obtained and the requirements of this section apply. If the dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal shall be included in the initial registration at no additional charge to the owner.
 - 2. *Inspection.* Prior to the renewal date of a dangerous dog registration each year, an animal control officer shall conduct an inspection of the dangerous dog and the premises on which it is kept. No certificate of renewal shall be issued without the annual inspection.
 - 3. *Proof of insurance.* The owner of a dangerous dog shall maintain the liability insurance coverage or bond in surety required by subdivision (B)(6) and provide evidence of its continued coverage to the animal control officer.
 - 4. *Exceptions.* No dangerous dog registration certificate required under this Section shall be issued to any person who is younger than 18 years of age or who fails to present satisfactory evidence of (i) compliance with the provisions of this Division; (ii) the animals' current rabies vaccination, if applicable; and (iii) a current County dog license.

- G. *Virginia Dangerous Dogs Registry*. The animal control officer shall post dangerous dog registration information on the Virginia Dangerous Dogs Registry.

(§ 4-214: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-214, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code §§ 3.2-6542.1, 3.2-6540.01(I).

Sec. 4-215 Animal found to be a dangerous dog; confinement, leashing, and muzzling.

If the court finds an animal to be a dangerous dog, the dog shall be controlled as follows;

- A. *When the dog is on the property of its owner.* When on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While the dog is confined within the structure, it shall be provided for according to County Code § 4-300.
- B. *When the dog is off of the property of its owner.* When off the property of its owner, an animal found to be a dangerous dog shall be kept on a leash and muzzled in a manner that will not cause injury to the animal or interfere with the animal's vision or respiration, but will prevent it from biting a person or another animal.

(§ 4-215: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-215, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540.01.

Sec. 4-216 Animal found to be a dangerous dog; an owner's ongoing obligation to inform the County animal control officer; notice by animal control officer and abandonment; notice, generally.

- A. If the court finds an animal to be a dangerous dog, the owner has the following obligations to inform the County's animal control officer:
1. *When prompt notification is required.* The owner shall promptly notify the animal control officer about: (i) the names, address, and telephone numbers of all owners, including a new owner and information regarding the transfer of ownership; (ii) all the means necessary to locate the owner and the dog at any time; (iii) any instance in which the animal is loose or unconfined; (iv) complaints or incidents of attack by the dog upon any person, cat, or dog; (v) any claims made or lawsuits brought as a result of any attack by the dog; (vi) chip (electronic implantation as required by County Code § 4-214(B)(4)) identification information; and (vii) proof of insurance or surety bond as required by County Code § 4-214(B)(6); (viii) the escape, loss, or death of the animal.
 2. *When notification is required within 10 days.* Unless for good cause shown, the owner shall, at least 10 days prior to relocating, provide written notice about the relocation to the County's animal control officer and the new address to which the dog has been moved. The animal control officer shall update the Dangerous Dog Registry accordingly.
- B. If the animal control officer provides notice to the owner that the animal may be reclaimed, after 10 days, the owner's failure to reclaim the animal shall be considered an abandonment, and the animal may be disposed of according to Virginia Code § 3.2-6546.
- C. Notice of an animal's determination as a dangerous dog shall be provided:
1. *Adoption within the Commonwealth.* Any releasing agency transferring or releasing for adoption within the Commonwealth an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify in writing the receiving party of the requirements of this Division.

2. *Adoption outside the Commonwealth.* Any releasing agency transferring or releasing for adoption outside the Commonwealth an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify the appropriate animal control officer in the receiving jurisdiction that the animal has been found to be a dangerous dog.
3. *Relocation to the Commonwealth.* Any owner of an animal found to be a dangerous dog in another state shall, upon bringing such animal to reside in the Commonwealth, notify the animal control officer of the jurisdiction in which the owner resides that the animal has been found to be a dangerous dog.
4. *Surrender.* Any owner who disposes by surrender, gift, sale, transfer, or trade to a releasing agency an animal found to be a dangerous dog pursuant to County Code § 4-213 shall notify the receiver in writing that the animal has been found to be a dangerous dog.

A violation of this subsection is a class 3 misdemeanor.

(§ 4-216: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-216, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code §§ 3.2-6540.01(E),(F),(G), 3.2-6540.02.

Sec. 4-217 Previous finding that an animal is a dangerous dog; subsequent acts by a dangerous dog.

If an animal was previously declared a dangerous dog pursuant to County Code § 4-213 and the declaration arose out of a separate and distinct incident:

- A. *Punishment; attack on cat or dog that is a companion animal.* The owner or custodian of the animal shall be guilty of a class 2 misdemeanor if the dog attacks and injures or kills a cat or dog that is a companion animal belonging to another person.
- B. *Punishment; attack on a person.* The owner or custodian of the animal ~~dog~~ shall be guilty of a class 1 misdemeanor if the animal bites a human being or attacks a human being causing bodily injury.
- C. *Exceptions.* Subsections (A) and (B) do not apply in the following circumstances:
 1. *Responding to pain or injury or protecting.* The animal was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, at the time of the acts complained of.
 2. *Police dogs.* The animal is a police dog and was engaged in the performance of its duties as a police dog at the time of the attack.
- D. *Judicial prohibition.* The court may determine that a person convicted under this Section shall be prohibited from owning, possessing, or residing on the same property with a dog.

(§ 4-217: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-217, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540.04.

Sec. 4-218 Previous finding that an animal is a dangerous dog; willful noncompliance by owner.

Any owner of an animal ~~dog~~ that has been found by the court to be a dangerous dog who willfully fails to comply with the requirements of this Division, the following apply:

- A. *Punishment.* The owner shall be guilty of a class 1 misdemeanor.
- B. *Confining the dangerous dog prior to hearing and verdict.* When an owner of an animal found to be a dangerous dog is charged with a violation of this Section, the animal control officer shall confine the dangerous dog until the evidence is heard and a verdict is rendered by the court. Unless good cause

is determined by the court, the evidentiary hearing shall be held within 30 days of the issuance of the summons.

- C. *Authority to compel the alleged dangerous dog to be produced.* The court, through its contempt powers, may compel the owner of the animal to produce it.
- D. *Additional remedies upon conviction.* If the owner is convicted under this section:
1. *Order that the dog be disposed.* The court may order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
 2. *Allow the owner ~~45~~ 30 days to comply; order that the dog be disposed if compliance is not achieved.* In the alternative to subsection (D)(1), the court may grant the owner up to 30 days to comply with the requirements of this Division, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by the County pursuant to Virginia Code § 3.2-6562.
 2. *Pay reasonable expenses.* The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for the dangerous dog from the time the dog was taken into custody until the dog is disposed of or returned to the owner.

(§ 4-218: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-218, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540.03.

Sec. 4-219 Responsibility if the owner of a dangerous dog is a minor.

If the owner of an animal found by the court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this Division-and Virginia Code §§ 3.2-6540.01 through 3.2-6540.04, 3.2-6542, and 3.2-6542.1.

(§ 4-219: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-219, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6540(L).

Sec. 4-220 Fund to which collected fees are to be allocated.

All fees collected pursuant to this Division, less the costs incurred by the County in producing and distributing the certificates and tags required by this Division and fees due to the Department of Agriculture and Consumer Services for maintaining the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund of the County for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

(§ 4-220: (§ 4-218: Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A.1; Ord. 98-A(1), 8-5-98; Ord. 03-4(1), 2-5-03; Ord. 03-4(3), 12-3-03, § 4-401; Ord. No. 94-4(12), 8-3-94; Code 1988, § 4-37A; Ord. 98-A(1), 8-5-98; Ord. 03-4(3), 12-3-03, § 4-400; Ord. 09-4(1), 7-8-09; Ord. 13-4(1), 7-3-13; Ord. 17-4(1), 6-7-17, effective 7-1-17); § 4-220, Ord. 18-4(1), 10-3-18; Ord. 21-4(1), 10-20-21)

State law reference - Va. Code § 3.2-6542.2.

RESOLUTION TO APPROVE CROZET MASTER PLAN (CPA2021-00001)

WHEREAS, Chapter 8 of the Albemarle County Comprehensive Plan adopted by the Board of Supervisors on June 10, 2015 recommends the use of Master Plans to guide development and investment in each Development Area and that each Master Plan be updated every five years; and

WHEREAS, County staff has updated the recommended land uses covering the area within the Crozet Development Area boundary to amend the Land Use Plan section of the Albemarle County Comprehensive Plan and 2010 Crozet Master Plan; and

WHEREAS, the updated Crozet Master Plan would establish revised land use policies, guidelines, recommendations, goals, and strategies for future development within the Crozet Development Area (the "Lands"); and

WHEREAS, the proposed Crozet Master Plan would establish the following for the Plan area: a vision for the development and redevelopment of the area and supporting recommendations; land use, center and district types with form and use recommendations; a plan for the transportation network and its integration with the land use and centers; a plan for open space, trails and natural resource protection and enhancement; and a plan for implementation and supporting community facilities and infrastructure; and

WHEREAS, on September 14, 2021, the Albemarle County Planning Commission held a duly noticed public hearing on CPA 2021-00001, at the conclusion of which it: (i) concluded that approval of CPA 2021-00001 is appropriate and consistent with the coordinated, adjusted, and harmonious development of Albemarle County and, in accordance with present and probable future needs and resources, CPA 2021- 00001 will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of all inhabitants of the County; and (ii) adopted a Resolution recommending approval; and

WHEREAS, on October 20, 2021, the Board of Supervisors held a duly noticed public hearing on CPA 2021-00001.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, and for the purposes articulated in Virginia Code § 15.2-2223, the Albemarle County Board of Supervisors hereby approves CPA 2021-00001 and amends: (i) the Land Use Plan section of the Albemarle County Comprehensive Plan as shown on the draft Crozet Master Plan dated October 20, 2021, and (ii) the Crozet Master Plan as shown on the proposed Crozet Master Plan dated October 20, 2021, subject to the following changes:

1. The land use designation of the block bounded by Tabor Street, Dunvegan Lane, High Street, and Crozet Avenue (the "Tabor Block") from Neighborhood Density Residential to Middle Density Residential; and
2. The text pertaining to the Tabor Block appearing on Page 25 of the Land Use Chapter of the August 20, 2021 Crozet Master Plan Working Draft is incorporated into the approved Crozet Master Plan, and this text is as follows:

Tabor Street/Crozet Avenue Middle Density Residential

There are additional review criteria for any future legislative review applications for new development in the block designated Middle Density Residential that is bounded by Tabor Street, High Street, Crozet Avenue, and Dunvegan Lane. This block is comprised of seven parcels that total 15.86 acres. All of the parcels are currently zoned R-2 Residential.

There are seven existing dwelling units on the properties. Five out of seven of the parcels are within the National Crozet Historic District, and six of the structures are contributing.

This block is surrounded by four streets; however, transportation upgrades are needed, especially for bike and pedestrian connections. There are no sidewalks or paths along any portions of the roads directly adjacent to this block. Specific recommendations for

road connections and bike and pedestrian infrastructure are included in the Transportation Chapter of this Plan.

Due to the existing historic resources, existing tree canopy, and needed transportation improvements in this area, there are additional considerations for future development of this block. Future development of this site should preserve the historic houses and portions of the tree canopy, and should be sensitive to these existing historic and natural resources. Areas of tree canopy to be preserved should be identified by an independent certified arborist.

This block is located in close proximity to Downtown Crozet, and future development could provide additional housing units within walking distance of Downtown businesses and public spaces. Future development of this block would need to provide sidewalks along the portions of Tabor Street, High Street, Crozet Avenue, and Dunvegan Lane that are adjacent to the site. Future development would also need to provide or partner in providing right-of-way for bike lanes along Crozet Avenue and right-of-way for a street connection at Dunvegan Lane. Once completed, the recommended Park Road Corridor Design (Implementation Project 1F) may provide additional project opportunities for this area as well.

BE IT FURTHER RESOLVED that the land use designations of the Lands and the applicable map in the Comprehensive Plan are amended accordingly.