

ORDINANCE NO. 18-18()

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

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

By Amending:

- Sec. 35.1 Fees.
- Sec. 35.2 Calculation Of Fees In Special Circumstances.
- Sec. 35.3 Mode And Timing For Paying Fees.
- Sec. 35.4 Fee Refunds.
- Sec. 35.5 Pre-Existing Use Fee Waiver.

Chapter 18. Zoning

Article IV. Procedure

Section 35. Fees

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35.1 Fees.

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

~~a. Zoning text amendments: \$1,075.00~~

~~a~~b. Zoning map amendments:

1. Less than 50 acres; application and first resubmission: \$2,688.00
2. Less than 50 acres; each additional resubmission: \$1,344.00
3. 50 acres or greater; application and first resubmission: \$3,763.00
4. 50 acres or greater; each additional resubmission: \$1,881.00
- ~~5. Deferral of scheduled public hearing at applicant's request: \$194.00~~
- 5~~6~~. Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to remove steep slopes from the steep slopes overlay district: any application fee under subsections (b)(1) through (5).
- 6~~7~~. Amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under section 33.7(f): \$457.00 plus calculated notification and legal advertisement costs.
7. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,770.00.

b~~e~~. Special use permits:

1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1,075.00
2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$538.00

3. Signs reviewed by the board of zoning appeals: See subsection 35.1~~(e)~~^(f)
4. All other special use permits; application and first resubmission: \$2,150.00
5. All other special use permits; each additional resubmission: \$1,075.00
- ~~6. Deferral of scheduled public hearing at applicant's request: \$194.00~~
- ~~67.~~ Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking - \$527.00
- ~~78.~~ Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking - \$118.00
8. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,770.00.

cd. Site plans:

1. Initial site plans: \$1,290.00 plus \$16 per dwelling unit and \$0.016 per square foot of nonresidential structure; the fee paid for preapplication plans shall be applied to the fee for initial site plans
2. Preapplication plans: \$538.00
3. Final site plans: \$1,613.00
4. Exception to drawing of site plan under section 32.3.5(a): \$1,613.00
5. Site plan amendments under section 32.3.3(b): \$538.00 (minor); \$108.00 (letter of revision)
6. Site plan amendments under section 32.3.3(b) (major): \$1,613.00
7. Appeals under section 32.4.2.6: \$258.00
8. Reinstatement of review under sections 32.4.2.1(d) and 32.4.3.1(e): \$258.00
9. Reinstatement of review under section 32.4.2.5(e): \$86.00
10. Extension of period of validity: \$511.00
11. Inspections pertaining to secured site plan improvements; per inspection: \$301.00
- ~~12. Deferral of scheduled public meeting at applicant's request: \$194.00~~
- ~~1243.~~ Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 or one thousand dollars (\$1,000.00), whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).

de. Certificates of appropriateness considered by the architectural review board ("ARB"):

1. For a site plan; per review by the ARB: \$1,075.00
2. For a building permit; per review by the ARB: \$634.00
3. Amendment to approved certificate of appropriateness: \$242.00

ef. Matters considered by the board of zoning appeals:

1. Variances: \$538.00
2. Appeals: \$258.00
3. Special use permits for signs under sections 4.15.5 and 4.15.5A: \$538.00
4. Interpreting a district map: \$258.00

fg Matters considered by the zoning administrator or other officials:

1. Official determinations regarding compliance: \$199.00
2. All other official determinations, including development rights: \$108.00
3. Zoning clearance for tourist lodging: \$108.00
4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: \$27.00
5. Zoning clearance for temporary fundraising activity: No fee
6. All other zoning clearances: \$54.00
7. Sign permits under section 4.15.4A; no ARB review required: \$27.00, except for applications for temporary signs submitted under section 4.15.4A(c)(2)(b) or (c)(2)(c), for which there shall be no fee.

8. Sign permits under section 4.15.4; ARB review required: \$129.00
9. Letter of Map Change review: \$161.00 (topographic plan only); \$323.00 (topographic plan with floodplain model)
10. Floodplain Impact Plan review: \$323.00
11. Variation or exception under section 32.3.5 before approval of a final site plan: \$892.00
12. Variation or exception under section 32.3.5 after approval of a final site plan: \$892.00

gh. Groundwater assessments:

1. Tier 1 assessment under section 17-401: \$54.00
2. Tier 3 assessment under section 17-403: \$548.00
3. Tier 4 assessment under section 17-404: \$1,183.00

hi. Miscellaneous:

1. Change in name of development or change in name of street: \$86.00
2. Special exception: \$457.00
3. Tier II personal wireless service facilities: \$1,957.00

ij. Required notice:

1. Initial notice fee to be provided in conjunction with an application, for preparing and mailing notices and published notice: \$435.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
2. Fee for farmers' markets for published notice under section 35.1(b)(6): \$220.00.
3. Fee for readvertisement and notification of public hearing after advertisement of a public hearing and a deferral is made at the applicant's request:
 - a4. Preparing and mailing or delivering up to fifty (50) notices: \$215.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
 - b2. Preparing and mailing or delivering, per notice more than fifty (50): \$1.08 plus the actual cost of first class postage. No fee shall be required for applications submitted under section 30.7.6.
 - c3. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8), or applications submitted under section 30.7.6, for which there shall be no fee.

(§ 35.1: Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 11-18(1), 1-12-11; Ord. 11-18(7), 6-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(1), 3-5-14; Ord. 14-18(2), 3-5-14; Ord. 15-18(8), adopted 10-14-15, effective 11-1-15; Ord. 16-18(4), 4-6-16)

State law reference – Va. Code §§ 15.2-2286(A)(6), 15.2-2241(9), 15.2-2243.1.

35.2 Calculation Of Fees In Special Circumstances.

In the special circumstances provided below, the fee required by section 35.1 shall be calculated as follows:

- a. Simultaneous review of zoning map amendment or special use permit for outdoor display and sales and supporting initial site plan or preliminary subdivision plat. If a zoning map amendment or special use permit is being simultaneously reviewed with a supporting initial site plan or preliminary subdivision plat, the applicant shall pay the fee for the zoning map amendment or the special use permit, but not the fee for the initial site plan or preliminary subdivision plat. The applicant shall pay the fee for the special use permit, but not the fee for the initial site plan for

outdoor display and sales, which require simultaneous review of both the special use permit application and a supporting initial site plan.

- b. *Multiple special use permits to establish a single use.* If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for all of the special use permit applications.

(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; * to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(3), 10-13-04; Ord. 04-18(4), adopted 12-8-04, effective 2-8-05; Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 15-18(8), adopted 10-14-15, effective 11-1-15)

35.3 Mode And Timing For Paying Fees.

The fees required by sections 35.1 and 35.2 shall be paid as follows:

- a. *Mode of payment.* Except as provided in section 35.1(d)(13), the fee shall be in the form of cash, ~~or a check payable to the "County of Albemarle,,"~~ or by credit or debit card transaction.
- b. *Timing of payment.* Except as provided in sections ~~33.4(g), 34.4(e), 34.5(e), and 34.6(e)~~ 33.20, 33.34, and 33.45, the applicant shall pay any applicable fees when the application is submitted. An application presented without the required fee shall not be deemed to be submitted and shall not be processed.

(Ord. 15-18(8), adopted 10-14-15, effective 11-1-15)

35.4 Fee Refunds.

- a. *Payment in full.* If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.
- b. *Partial refund.* If an applicant withdraws an application within 70 days after official submittal for review, the applicant shall receive a full refund of the initial notice fee.

(§ 18-35.3, Ord. 10-18(7), adopted 8-4-10, effective 1-1-11; § 18-35.4, Ordinance 15-18(8), adopted 10-14-15, effective 11-1-15)

35.5 Pre-Existing Use Fee Waiver.

If an applicant applies for a ~~zoning text amendment or~~ special use permit, the applicable fee shall be waived provided that the zoning administrator finds the following conditions are met:

- a. The use applied for does not conform to the zoning prescribed for the district in which the use is situated;
- b. A business license was issued by the county for the applied-for use; and
- c. The holder of the business license has operated continuously in the same location for at least fifteen (15) years and has paid all real estate, business license, and personal property taxes related to the use.

(Ord. 17-18(4), 8-9-17)

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of to, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____