

**ACTIONS**  
**Board of Supervisors Meeting of October 13, 2004**

October 18, 2004

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to Order. <ul style="list-style-type: none"> <li>Meeting was called to order at 4:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present, except Mr. Boyd. Also present were Bob Tucker, Larry Davis and Ella Carey.</li> </ul>	
2. Presentation: Urbanization Committee Report. <ul style="list-style-type: none"> <li><b>HELD.</b></li> </ul>	
3. Presentation: Five Year Forecast Financial Model. <ul style="list-style-type: none"> <li><b>HELD.</b></li> <li><b>ADOPTED</b> resolution requesting the 2005 General Assembly to fully restore Personal Property Tax Relief (PPTR) reimbursement to Albemarle County for January through June, 2006.</li> </ul>	<u>County Executive's office:</u> Forward adopted resolution to Governor, County General Assembly representatives and members of Finance Committee. (Attachment 1)
4. Recess. <ul style="list-style-type: none"> <li>The Board recessed at 5:10 p.m.</li> </ul>	
5. Call to Order. <ul style="list-style-type: none"> <li>Meeting was called back to order at 6:00 p.m., by the Chairman. All BOS members were present, except Mr. Boyd. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Ella Carey.</li> </ul>	
8. From the Public: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> <li>Dave Hutson expressed concerns about the Planned Parenthood facility located on Hydraulic Road.</li> <li>Mike Sharman, an attorney working with the Central Virginia Family Forum, read a statement requesting the Board to revoke the special permit that allowed the Planned Parenthood facility. He also asked the Board to adopt a proposed ordinance on abortion provider businesses.</li> <li>Roger Schweikert spoke regarding the traffic on Route 29 North, preventing some type of Columbine action from happening in this community and the Planned Parenthood facility located on Hydraulic Road.</li> </ul>	
9. Acquisition of Conservation Easements (ACE) Annual Report/Recognition Ceremony. <ul style="list-style-type: none"> <li><b>HELD</b></li> </ul>	
10. Virginia Film Festival Presentation. <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>	
11.2 Request to amend the jurisdictional areas of the Albemarle County Service Authority to consider providing water service to existing structures Loc on TM 46, Ps 23D & 23D1. Property Loc on south side of Rt 643 (Polo Grounds Rd). <ul style="list-style-type: none"> <li><b>REMOVED</b> from agenda until applicant submits complete information.</li> </ul>	
11.3 Approve funding for replacement fire engine for	<u>Clerk:</u> Forward signed appropriation form and

<p>Crozet Volunteer Fire Department.</p> <ul style="list-style-type: none"> <li>• <b>APPROPRIATED</b> \$366,000 for the purchase of a replacement engine and <b>ADOPTED</b> resolution to allow the County to reimburse itself from the proceeds of a future financing if that is determined to be the most appropriate way to fund the engine replacement.</li> </ul>	<p>adopted resolution to Finance and copy appropriate individuals. (Attachment 2)</p>
<p>12. <b>Public hearing</b> to receive comments on a proposal to restrict through truck traffic on Rts 22/231.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution and requested that copies be sent to the Counties of Louisa, Orange and Greene.</li> </ul>	<p><u>Clerk:</u> Forward adopted resolution to Juan Wade. (Attachment 3)</p>
<p>13. <b>Public hearing</b> to receive comments on proposed revisions to ARB sign guidelines.</p> <ul style="list-style-type: none"> <li>• <b>RATIFIED</b> the revised ARB sign guidelines and ARB guidelines for fuel pump canopies as proposed.</li> </ul>	<p>(Attachment 4)</p>
<p>14. <b><u>SP-2004-00015. Bethel Baptist Church Amendment (Signs #90&amp;92).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-00015, by a vote of 5:0, subject to the 12 conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 5)</p>
<p>15. <b><u>SP-2004-00020. Elizabeth Bright-ALLTEL Turner Mountain Rd (Sign #27).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-00020, by a vote of 5:0, subject to the 24 conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 5)</p>
<p>16. <b><u>SP-2004-00023. Grace Community Church (Sign #41).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-00023, by a vote of 5:0, subject to the 11 conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 5)</p>
<p>17. <b><u>SP-2004-00026. Mission Link Project /Calvary Baptist Church Amendment (Sign #9).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-00026, by a vote of 5:0, subject to the 6 conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 5)</p>
<p>18. <b><u>SP-2004-00030. Old Mills Trail (Signs #11,12&amp;13).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2004-00030, by a vote of 5:0, subject to the 2 conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 5)</p>
<p>19. <b><u>SP-2003-53. Unity Church of Charlottesville Amendment (Sign #48).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> SP-2003-53, by a vote of 5:0, subject to the 8 conditions recommended by the Planning Commission.</li> </ul>	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 5)</p>
<p>20. <b><u>ZMA- 2004-010. UVA Research Park Amendment (Sign #96).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> ZMA-2004-010, by a vote of 5:0, as proffered.</li> </ul>	<p><u>Clerk:</u> Set out proffers. (Attachment 5)</p>
<p>21. <b><u>ZTA-2003-002. Personal Wireless Service Facilities.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> ordinance, by a vote of 5:0.</li> </ul>	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's office for inclusion in next update of County Code and provide copies to Jan Sprinkle and Stephen Waller. (Attachment 6)</p>
<p>22. <b><u>ZTA-2004-007. Tier II Personal Wireless Service Facilities Fees.</u></b></p>	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's office for inclusion in next update of</p>

<ul style="list-style-type: none"> <li>• <b>ADOPTED</b> ordinance, by a vote of 5:0.</li> </ul>	County Code and provide copies to Jan Sprinkle and Stephen Waller. (Attachment 7)
23. From the Board: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> <li>• Discussed the concept of the Public-Private Education Facilities and Infrastructure Act of 2002.</li> <li>• <b>CONSENSUS</b> that Chairman send letter in support of an application to the Forest Legacy Program from Albemarle County's North Fork landowners.</li> </ul>	
24. Adjourn. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:33 p.m.</li> </ul>	
<b>Joint Board of Supervisors and School Board Meeting of October 14, 2004</b>	
1. Call to Order. <ul style="list-style-type: none"> <li>• Meeting was called to order at 4:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present, except Mr. Boyd. Also present were Bob Tucker and Ella Carey.</li> </ul>	
2. Proposed FY 2006 Employee Compensation and Medical Insurance Report. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the following guidance for the County Executive and Superintendent for FY 2005-06 budget preparation:             <ul style="list-style-type: none"> <li>• 3% increase in the Classified Salary Scale;</li> <li>• 4.4% merit pool for classified staff;</li> <li>• continue second phase of implementing increases for positions recruited nationally and regionally;</li> <li>• continue funding for the second phase of teacher increases to reach top quartile (including 3.7%) to be distributed along the scale;</li> <li>• continuation of a longevity increase for teachers; and</li> <li>• anticipate a 15% increase in medical plan costs but defer decision until budget development in December/January.</li> </ul> </li> </ul>	
3. Matters not Listed on the Agenda. <ul style="list-style-type: none"> <li>• At the suggestion of Pam Moran, the Board of Supervisors <b>CONCURRED</b> with the idea of a joint retreat to discuss strategic planning.</li> </ul>	
3. Adjourn to October 26, 2004, 8:00 a.m., Zehmer Hall. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 5:07 p.m.</li> </ul>	

/ewc

Attachment 1 – Resolution – PPTR reimbursement

Attachment 2 – Reimbursement Resolution

Attachment 3 – Route 22/231 Resolution

Attachment 4 – ARB guidelines for fuel pump canopies

Attachment 5 – Conditions of Approval

Attachment 6 – Ordinance - ZTA-2003-002. Personal Wireless Service Facilities

Attachment 7 – Ordinance - ZTA-2004-007. Tier II Personal Wireless Service Facilities Fees

**RESOLUTION REQUESTING THAT THE 2005 GENERAL ASSEMBLY FULLY RESTORE PERSONAL PROPERTY TAX RELIEF (PPTR) REIMBURSEMENT TO ALBEMARLE COUNTY FOR THE PERIOD OF JANUARY, 2006 THROUGH JUNE, 2006**

**WHEREAS**, the 2004 General Assembly revised the Personal Property Tax Relief (PPTR) Act of 1998, one impact of which was to reduce the State reimbursement to 44 localities in the Commonwealth by \$240.0 million;

**WHEREAS**, the revised legislation eliminates any State reimbursement funds to localities in the last half of Fiscal Year 2005/06 (January, 2006 – June 2006);

**WHEREAS**, Albemarle County along with other localities with a split-billing of personal property tax collection will experience a significant revenue shortfall in Fiscal Year 2005/06 as a result of this legislation;

**WHEREAS**, Albemarle County will incur an \$8.0 million shortfall in FY05/06 due to the loss of state personal property reimbursement revenues for the last half of Fiscal Year 2005/06;

**WHEREAS**, this legislation passed by the 2004 General Assembly resolved the State's financial crisis, it has unknowingly and unfairly placed an \$8.0 million tax burden on Albemarle County citizens;

**NOW, THEREFORE BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that the Governor and the 2005 General Assembly of the Commonwealth of Virginia restore the necessary State funds that will fully reimburse Albemarle County for their rightful Personal Property tax revenues for the period January 2006 through June 2006.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF A BORROWING**

**WHEREAS**, the Board of Supervisors of Albemarle County, Virginia (the “Borrower”), intends to acquire and equip a Fire Engine (the “Project”); and

**WHEREAS**, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of either tax-exempt bonds, or other tax-exempt financing, or taxable debt, or both;

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ALBEMARLE COUNTY:**

1. The Borrower intends to utilize the proceeds of tax-exempt bonds or other tax-exempt financing (the “Bonds”) or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$366,000.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

**RESOLUTION**

**WHEREAS**, the Board of County Supervisors of Albemarle County, Virginia, received a request from a group of citizens/residents who reside along Routes 231/22 to consider restricting through trucks, truck and trailer, and semi-trailer combination traffic on these routes as a means to address various traffic concerns;

**WHEREAS**, the Board properly advertised and held a public hearing on October 13, 2004 to receive comments from citizens on this request;

**WHEREAS**, the Board previously adopted resolutions on June 7, 1995, December 10, 2003 and June 2, 2004 requesting that the Virginia Department of Transportation restrict through-traveling truck, truck and trailer, and semi-trailer combination traffic on Routes 231 and 22;

**WHEREAS**, the rural character of Routes 231/22 consists of blind curves, hills, narrow pavement with no shoulders serving local commuting traffic and farms;

**WHEREAS**, the Code of Virginia was amended in 1995 and 1996 to increase the size of tractor-trailers that may travel on any road in the state from 60 to 65 feet long and from 8 to 8 1/2 feet;

**WHEREAS**, the geometric design and construction of Routes 231/22 combined with a travelway of only nine feet creates an incompatible and unsafe situation between tractor-trailers and others vehicles on the roadway;

**WHEREAS**, the presence of tractor-trailers on Routes 231/22 creates an unsafe road for the traveling public;

**WHEREAS**, Route 231 was listed by Scenic America at the top of its list of the Ten Most Scenic Roads in America;

**WHEREAS**, County and State law enforcement officials have stated that it is impossible to safely and effectively enforce commercial vehicle regulations when truck, truck and trailer, and semi-trailer combination traffic is traveling on Routes 231/22;

**WHEREAS**, the County has proposed alternate routes for through restricted trucks, which the County believes are reasonable;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Supervisors of Albemarle County, Virginia, hereby renews its request to the Commonwealth Transportation Board to restrict through truck, truck and trailer, and semi-trailer combination traffic on Routes 231/22 in accordance with Section 46.2-809 of the Code of Virginia; and

**FURTHER RESOLVED** that beginning at Route 250 from its intersection with Route 22 in Albemarle County going to Route 15 in Louisa County, north on Route 15 to Route 22 in Louisa County, west on Route 22 to the Albemarle/Louisa County line is a reasonable alternative route for truck, truck and trailer, and semi-trailer combination traffic now traveling Route 22; and beginning at Route 250 from its intersection with Route 22 in Albemarle County going to Route 15 in Louisa County, north on Route 15 to Route T-1006 in the Town of Gordonsville, west on Route T-1006 to Route 231 in the Town of Gordonsville, south on Route 231 to the Albemarle/Louisa County line is a reasonable alternative route for truck, truck and trailer, and semi-trailer combination traffic now traveling Route 22/231; and

**FURTHER RESOLVED** that the Board of County Supervisors requests that the Virginia Department of Transportation install appropriate signage on Interstate 64 at the Shadwell Exit (Exit 124), the Boyd Tavern Exit (Exit 129), and the Zion Crossroad Exit (Exit 136) interchanges to alert that through truck, truck and trailer, and semi-trailer combination traffic is not permitted on Routes 22 and 231 in Albemarle County.

**ARCHITECTURAL REVIEW BOARD GUIDELINES FOR FUEL PUMP CANOPIES**

1. Fuel pump canopies may be required to provide customers with protection from the elements and to provide lighting levels required for dispensing fuel. Such fuel pump canopies are functional elements of present-day gas/convenience stores and their character and appearance shall reflect a minimalist design consistent with that function.
2. Fuel pump canopies shall be the smallest size possible to offer protection from the elements. Canopies shall not exceed the sizes identified in “Standards for Fuel Pump Canopies” as outlined in Appendix C of the ARB Design Guidelines.
3. The size of the canopy fascia and canopy support columns shall be in proportion to the overall size of the canopy structure. The fascia shall not exceed 36 inches in total height, including any accent bands.
4. Canopy fascias shall not be illuminated.
5. Lighting of fuel pump canopies shall be of the lowest level that will provide safe dispensing of fuel. All canopy lighting shall be flush-mounted and shielded, downward directed, and shall not emit light above the horizontal plane. All canopy lighting shall meet the .5 foot-candle spillover requirement in compliance with zoning ordinance regulations.
6. Canopy related elements, including fuel dispensers, support columns, spandrels, planters, etc. shall be compatible with the character of the building and site and shall not be used for advertising.
7. The architectural elements of a building should not be altered to reflect trademark canopy design.
8. Canopy fascias shall be limited to the use of one principal color, with ARB review.
9. Colors, materials, forms, and detailing may be used to coordinate canopies with a site, its building(s), and structures.
10. Fuel pump canopy applicants should refer to “Standards for Fuel Pump Canopies” as outlined in Appendix C of the ARB Design Guidelines.

**Adopted August 25, 1998; Revised August, 2004; Revised October 13, 2004.**

## CONDITIONS OF APPROVAL

**SP-2004-00015. Bethel Baptist Church Amendment (Signs #90&92).** Public hearing on a request to amend SUP for existing church to allow for parking lot expansion, in accord w/Sec 10.2.2.35 of the Zoning Ord which allows for church uses in the RA. TM 21, P 25, contains approx 3.004 acs. 2nd RA. Loc just E of Rt 29 N at the intersec of Rt 641 (Burnley Station Rd) & Rt 600 (Watts Passage). Rivanna Dist.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the site plan entitled "Bethel Baptist Church", prepared by Brian P. Smith, PE Civil Engineering, Inc., and dated April 1, 2004, last revised August 17, 2004;
2. The Church's sanctuary shall not exceed three hundred forty-five (345) seats;
3. Health Department approval of existing well and septic systems;
4. Commercial setback standards for side and rear setbacks, as set forth in Section 21.7.2 of the Albemarle County Zoning Ordinance, shall be maintained adjacent to residential uses or residentially zoned properties (including RA zoned property). The front setback shall conform to the Rural Areas standard as set forth in Section 10.4 of the Albemarle County Zoning Ordinance;
5. A twenty (20)-foot undisturbed buffer, as set forth in Section 21.7.3 of the Albemarle County Zoning Ordinance, shall be maintained along the eastern property line. There shall be no removal of the existing pines within this buffer;
6. There shall be no day care center or private school on site without approval of a separate special use permit;
7. VDOT approval of new entrances and closure of existing entrances shall be required. The entrance to Burnley Station Road (Route 641) shall be closed and the existing entrance [approximately fifteen (15)-feet wide] to Watts Passage (Route 600) shall be closed and relocated to the south. The proposed new entrance shall meet commercial standards and radii and profiles of the entrance shall be provided on the site plan;
8. The residential dwelling on the property shall be used only as a parsonage residence;
9. All existing gravel areas not included in the existing and proposed parking areas and travelways shall be replaced with vegetative cover;
10. All parking areas shall drain to the proposed BMP/storm water basin;
11. All exterior light fixtures shall be shown and approved on a site development plan and shall be full cutoff luminaire, fully shielded and arranged or directed to reflect light away from adjoining properties and away from adjacent roads; and
12. An additional twenty-five percent (25) of landscaping materials, above the minimum landscaping materials required by Section 32.7.9.7, shall be installed within the parking area.

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**SP-2004-00020. Elizabeth Bright-ALLTEL Turner Mountain Rd (Sign #27).** Public hearing on a request to allow the construction of personal wireless facility. The applicant proposes to construct monopole approx 110 ft tall. Ground mounted equipment will be loc adjacent to the pole. The proposed diameter of the pole is approx 30.5 inches at the base & 14.5 inches at the top. This application is being made in accord w/Sec 10.2.2.6 of the Zoning Ord which allows for microwave & radio-wave transmission & relay towers in the RA Dist. TM 58, P 61A, contains 5.2 acs. 2nd RA. Loc on E side of Rt 676 (Tillman Rd) approx 0.25 miles N of Rt 250 (Ivy Rd). Samuel Miller Dist.

The facility shall be designed, constructed and maintained as follows:

1. With the exception of any minor changes that would be required in order to comply with the conditions listed herein, the facility including the monopole, the ground equipment building, and any antennas shall be sized, located and built as shown on the concept plan entitled, "Alltel - Turner Mountain Road Site (Bright Property)," last revised on August 9, 2004 and provided in this staff report with Attachment A;
2. The calculation of pole height shall include any base, foundation or grading that raises the pole above the pre-existing, natural ground elevation;



3. The top of the pole, as measured Above Mean Sea Level (AMSL), shall not exceed seven (7) feet above the top of the tallest tree within twenty-five (25) feet, identified as number eighty-one (81) on the tree survey (Sheet C7). In no case shall the pole exceed one hundred (100) feet in total height at the time of installation without prior approval of an amendment to this special use permit or personal wireless facility permit;
4. The diameter of the monopole shall not exceed thirty and one-half (30-1/2) inches at its base, and fifteen (15) inches at the top;
5. The metal monopole shall be painted a brown wood color that is consistent with the trees surrounding the site;
6. The ground equipment cabinets, antennas, concrete pad and all equipment attached to the pole shall be the same color as the pole and shall be no larger than the specifications set forth in the application plans;
7. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than twelve (12) inches;
8. No satellite or microwave dishes shall be permitted on the monopole;
9. No antennas or equipment, with the exception of a grounding rod, not to exceed one (1)-inch in diameter and twelve (12) inches in height, shall be located above the top of the pole;
10. No guy wires shall be permitted;
11. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running through the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply;
12. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted;
13. Size specifications and other details, including schematic elevations of the equipment cabinets shall be included in the construction plan package;
14. Site grading and all construction around the facility shall be minimized to only provide the amount of space that will be necessary for placement of the monopole and equipment cabinets. Graveling of the total lease area shall not be permitted and all grading and construction activity shall remain outside of the drip lines of the trees that are to remain; and
15. The facility shall be screened from the property line located to the east with a species of shade tolerant screening trees to be approved by the Planning Division Landscape Planner. Vegetation provided for such screening shall consist of a double staggered row of trees, planted fifteen (15) feet on center.

Prior to the issuance of a building permit, the following requirements shall be met:

16. The applicant shall submit a recorded fall zone easement in accordance Section 5.1.40b;
17. Certification by a registered surveyor stating the height of the reference tree that has been used to justify the height of the monopole shall be provided to the Zoning Administrator;
18. Prior to beginning construction or installation of the pole, the equipment cabinets or vehicular or utility access, an amended tree conservation plan, developed by a certified arborist shall be submitted to the Zoning Administrator for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred (200)-foot buffer, after the installation of the subject facility; and
19. With the building permit application, the applicant shall submit the final revised set of site plans for construction of the facility. During the review of the application, Planning staff shall review the

revised plans to ensure that all appropriate conditions of the special use permit have been addressed.

After the completion of the pole installation and prior to the issuance of a Certificate of Occupancy or to any facility operation, the following shall be met:

20. Certification by a registered surveyor stating the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL) using the benchmarks or reference datum identified in the application shall be provided to the Zoning Administrator;
21. Certification confirming that the grounding rod's: a) height does not exceed two (2) feet above the monopole; and, b) width does not exceed a diameter of one (1)-inch, shall be provided to the Zoning Administrator; and
22. No slopes associated with construction of the facility shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

23. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider; and
24. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

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**SP-2004-00023. Grace Community Church (Sign #41). Public hearing** on a request for a church building to be constructed on 19.4 ac parcel, in accord w/Sec 18.10.2.2.35 of the Zoning Ord. A waiver from the critical slopes requirements, as set forth in Sec 18.4.2 of the Zoning Ord, has also been requested. Znd RA. TM 21, P 11. Loc on Rt 606 (Dickerson Rd), W of St Rt 29 & S of the border w/Greene County. White Hall Dist.

1. The church's improvements and the scale and location of the improvements, with the exception of storm water management facilities and the front setback (The required front setback shall be seventy-five (75) feet from the edge of the right-of-way after the twenty-five (25) foot dedication referenced in Condition number 11.), shall be developed in general accord with the concept plan entitled, "Special Use Plan for Grace Community Church," prepared by Terra Partners, LLC, and dated May 17, 2004, last revised July 27, 2004;
2. If the lawful physical construction of any structure necessary for the use authorized by this permit is not commenced within five (5) years after the permit is issued, the permit shall be deemed abandoned and the authority granted hereunder shall terminate;
3. The church's sanctuary shall not exceed five hundred (500) seats;
4. All exterior light fixtures shall be full cutoff luminaire and fully shielded and arranged or directed to reflect light away from adjoining properties and away from adjacent roads;
5. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained along the side and rear property lines;
6. Day care or school uses are prohibited unless approved through a special use permit amendment;
7. Subject to the approval of the Virginia Department of Transportation, prior to the issuance of a Certificate of Occupancy, the applicant shall surface State Route 606 (Dickerson Road) from just beyond the church entrance southward to the end of the existing asphalt surface;
8. If phasing of site development is proposed, each phase shall include only the parking and

- infrastructure necessary to support the improvements of that phase;
9. As part of the site plan application, a tree conservation plan shall be submitted and approved to the specifications of Section 32.7.9.4(b) of the Zoning Ordinance;
  10. The applicant shall dedicate twenty-five (25)-foot dedication of right-of-way along the State Route 606 property frontage. Any plats and/or deeds necessary for this dedication shall be provided by the applicant prior to site plan approval; and
  11. An additional twenty-five percent (25) of landscaping materials, above the minimum landscaping materials required by Section 32.7.9.7, shall be installed within the parking area, to offset removal of trees and plant material from the site for construction. The additional landscaping shall consist of a mixture of evergreen and deciduous plant materials.

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**SP-2004-00026. Mission Link Project /Calvary Baptist Church Amendment (Sign #9).**

**Public hearing** on a request for modification of conditions of prior SUP (SP-2001-59) to permit construction of accessory structure at existing church on 2.997 acs, in accord w/Sec 13.2.2(10) of the Zoning Ord. Znd R1. The driveway is to be aligned with the Southern Parkway. TM 77, P 43. Loc on Avon St Extd across from Southern Parkway. Scottsville Dist.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the submitted preliminary site plan entitled, "Site Plan Calvary Baptist Church" received May 26, 2004 and initialed WDF 9/8/04;
2. The total square footage of the building including the proposed expansion shall not exceed thirteen thousand, one hundred (13,100) square feet;
3. Yards and setbacks for structures shall be in accord with the R-1 setbacks, as specified in Section 13.3 in the Zoning Ordinance, to be in effect on March 20, 2002. Parking areas shall be setback at least ten (10) feet from all property lines, except the southern portion of the property that abuts the Southside Shopping Center;
4. There shall be no day care center of private school on site without approval of a separate special use permit, or amendment to this permit;
5. VDOT approval of the proposed entrance aligning with the Southern Parkway must be granted prior to final site plan approval; and
6. A tree conservation plan for the rear forested area of critical slopes in accordance with Section 32.7.9.4(b) shall be submitted with the final site plan. It may only be disturbed under the conditions of connecting to the available public sewer in the rear of the property. Following such activity, the slopes shall be reconstructed and replanted as deemed necessary to comply with Engineering requirements and the approved final site plan. The tree conservation plan shall be subject to review and approval by the Planning Director.

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**SP-2004-00030. Old Mills Trail (Signs #11,12&13).** **Public hearing** on a request to permit fill in the floodplain for the purpose of constructing Class B greenways hiking trail, in accord w/Sec 30.3.05.2.2(3) of the Zoning Ord which allows for fill in the floodplain. TM 77 P 41 & TM 78, P 58L, contain total of 26.213 ac. Znd C-1, EC & RA. The trail will be located w/in the floodplain of the Rivanna River just N of Free Bridge Lane along Elks Dr.

1. Approval by the Service Authority of the grade changes that may affect the sewer lines located within the greenways trail; and
2. County Engineer approval of the construction plan.

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**SP-2003-53. Unity Church of Charlottesville Amendment (Sign #48).** **Public hearing** on a request to amend SUP to allow a church (increasing from 200 to 250 seats), in accord w/Sec 10.2.2.35 of the Zoning Ord which allows for "church building and adjunct cemetery." TM 61 Ps 4 & 4B, contains 4.44 acs. Znd RA. Loc on Rt 743 (Hydraulic Rd), approx .25 miles N of the intersec of Hydraulic Rd & Lambs Rd. Jack Jouett Dist.

1. The church sanctuary shall not exceed two hundred fifty (250) seats;
2. Construction of the two hundred fifty (250)-seat sanctuary shall commence within thirty (30)

- months of the approval of this permit or it shall be deemed abandoned and the authority granted by this permit shall thereupon terminate;
3. The site shall be developed in general accord with the conceptual plan titled "Unity Church", revision 4 ("6/28/04 Comments"), prepared by Muncaster Engineering. Adjustments to the number of parking spaces approved by the Zoning Administrator, and a rearrangement of the parking spaces to the satisfaction of the Architectural Review Board, shall be deemed to be in general accord with the conceptual plan. Any expansion of, or addition to, the uses, activities or structures must be determined by the Zoning Administrator to be in general accord with the conceptual plan, the staff report, and the Architectural Review Board action of August 2, 2004;
  4. The applicants shall relocate the twenty-two (22)-space parking lot shown north of the driveway nearer to the traffic circle;
  5. The applicants shall provide plantings to the satisfaction of the Architectural Review Board;
  6. Location of water meters and water lines on the site shall be adjusted to the satisfaction of the Albemarle County Service Authority;
  7. The property may not be further divided; and
  8. There shall be no more than one (1) residential dwelling on this property.

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**ZMA- 2004-010. UVA Research Park Amendment (Sign #96).** Public hearing on a request to amend existing proffers for 5.9 ac in Fontaine Research Park to allow increase of 40,000 sq ft, for maximum of 535,000 sq ft of research & laboratory space. Znd CO & EC. TM 76, Ps 17B & 17B6. Loc in Fontaine Research Park on S side of Rt 29 (Fontaine Ave) immediately E of Rt 29/250 By-Pass. (The Comp Plan designates this property as Office Service in the southern portion of Neighborhood 6.) Samuel Miller Dist.

**ZMA-2004-010  
PROFFERS  
FONTAINE RESEARCH PARK  
October 13, 2004**

**TAX MAP PARCELS 76-17B, 17B(1), 17B(2), 17B(3), 17B(5), 17B(6), 17B(7), 17B(8), 17B(X), and  
17B(W).  
53.52 Acres, Zoned Commercial Office (CO)**

Pursuant to Section 33.3 of the Albemarle County, Virginia Code (the "Code"), and consistent with the Water Protection Ordinance, or "Ordinance" (Chapter 17 of the Code) the Owners (as defined below), or their duly authorized agents, hereby voluntarily proffer the conditions listed below which shall be applied to the property. The proffers contained herein supersede all previous proffers pertaining to the above-referenced parcels. Any previous proffers applicable to such parcels have either: i) been fully satisfied, ii) are no longer applicable, or iii) have been incorporated in their entirety into these proffers. These conditions are proffered as part of the requested zoning (ZMA 2004-010) and it is agreed that: 1) the rezoning itself gives rise to the need for the conditions; and 2) such conditions have a reasonable relation to the rezoning request.

The Applicant of ZMA 2004-010 is the University of Virginia Foundation (the "Applicant"), successor to the University of Virginia Real Estate Foundation, which is successor to UREF Research Parks, Inc. The owners of parcels of land within the Fontaine Research Park include the University of Virginia Foundation, the University of Virginia Health Services Foundation, and the Rector and Visitors of the University of Virginia (collectively, the "Owners").

1. Proffer number 1 from ZMA 2000-04 has been satisfied.
2. Development shall substantially adhere to the Fontaine Research Park Master Plan, prepared by Draper Aden Associates, last revised August 18, 2000 ("Master Plan"), submitted with the proffers for ZMA 2000-04, which proffers were accepted as part of the Board of Supervisors approval of ZMA 2000-04 on September 20, 2000. The Master Plan replaces in its entirety all previous proffered plans, including the Zoning Application Plan, dated May 1992, and prepared by McKee/Carson.

3. Proffer number 3 from ZMA 2000-04 has been satisfied. The pedestrian path that was constructed pursuant to proffer number 3 from ZMA 2000-04 is located within the common areas of the Research Park and will be maintained by the Owners under a common maintenance agreement, until such time as the common areas are conveyed to The Fontaine Research Park Association (or such other name as may be selected pursuant to the Declaration of Protective Covenants and Restrictions for Fontaine Research Park, dated January 20, 1993, and recorded at the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia in Deed Book 1286, page 604) at which time the path will be maintained by the Association.
4. The University of Virginia Foundation will construct a pedestrian system within the Research Park, in general conformance with the system shown on the Master Plan. Specific features for conformity shall include pedestrian connection from buildings to other buildings and parking areas.
5. The University of Virginia Foundation will limit total development on the site to 535,000 square feet of floor area. Support commercial uses shall be limited in building area to 20,000 square feet of gross floor area.
6. All buildings will be limited to four stories in height. The University of Virginia Foundation will maintain the existing landscape buffer area to screen the project from Fontaine Avenue and residential neighborhoods adjoining the Fontaine Research Park.
7. Strict architectural and landscape architectural guidelines and restrictions shall continue to govern the design and construction of all buildings and parcel specific site development. Such architectural guidelines and restrictions shall be applied and enforced in accordance with the Declaration of Protective Covenants and Restrictions for the Fontaine Research Park, dated January 20, 1993, and recorded at the Clerk's Office of the Circuit Court of the County of Albemarle, Virginia in Deed Book 1286, page 604.
8. Best Management Practices will be implemented in all areas of earth disturbing activity. Storm water management shall be accomplished through a combination of new storm water management facilities and modification of existing storm water and/or erosion control facilities, as modified and as shown on the Master Plan. All required stormwater management and BMP structures are existing and complete as required by the Master Plan. The University of Virginia Foundation will not create any land disturbance in the area indicated as Resource Protection Area on the Master Plan, except for pedestrian pathways and the storm water management facility, (as shown on the Master Plan) without the approval of the Planning Commission. The Resource Protection Area is intended to be delineated as all the area within 100 feet of the boundaries of the 100 year flood plain elevations.
9. At such time as the Board of Supervisors approves of a plan of development for a pedestrian/bicycle and greenway improvements for the Morey Creek/Stribling Avenue area, the University of Virginia Foundation shall dedicate a strip of land, at least one hundred feet (100') in width along Morey Creek up to the Southern Railway right-of-way (as it exists on September 20, 2000), then north, along the Southern Railway right-of-way to the intersection of such right-of-way and Stribling Avenue (the "Greenway"). The Greenway will be conveyed in fee simple or in the form of an easement, as the Board of Supervisors' approval may require, and the University of Virginia Foundation shall be responsible for the cost of a survey and preparing the deed or deed of easement, as applicable. The University of Virginia Foundation may reserve in such dedication necessary access across the Greenway to the Southern Railway right-of-way in the event that such right-of-way is ever used for commuter rail service. The Greenway may be established at any time as determined by the Board of Supervisors. A pedestrian connection to the Greenway shall be made at such time as improvements are made to establish the pedestrian and bicycle paths as part of the Greenway, and improvements are made to Stribling Avenue to include paving and street lights.
10. The University of Virginia Foundation has adopted, and shall continue to implement, a Transportation Demand Management Plan (TDMP) for the Research Park, incorporating traffic reduction amenities (such as pedestrian access, as depicted on the Master Plan), facilitating employer traffic reduction measures and promoting educational programs. The TDMP shall offer employee surveys to be conducted by, or with the guidance of, the Thomas Jefferson District Commission, or a similar

organization. Surveys will be available to develop specific programs for employers within the Research Park tailored to commuter needs. The TDMP shall stress increased awareness of available alternative transportation means in and around the University community, including van service between the medical campuses, University and City transit systems, employee benefits, and parking shuttle service. The TDMP will establish or promote means for reducing single occupancy vehicle use, including but not limited to providing educational programs on ridesharing, striping high occupancy vehicle parking spaces and installing bicycle racks near buildings. The TDMP shall be available to existing and future employers and employees at the Research Park via appropriate and effective means.

11. On or before the issuance of a certificate of occupancy for the building identified as the Future ART (Advanced Research and Technology) Building on the concept plan dated September 3, 2004, and initialed SET and labeled as Attachment B as part of the staff report for ZMA 2004-010, the University of Virginia Foundation shall construct at its expense a bus shelter of a design and in a location to be reasonably determined by the University of Virginia Foundation upon consultation with University Transit Service, JAUNT, the University of Virginia Health Services Foundation, and the Albemarle County Transportation Planner. The shelter shall be of a standard size and design based upon the projected usage and site constraints, shall include a bench with a back, and shall be maintained by the Owners under a common maintenance agreement.

Submitted as of the \_\_\_\_\_ day of October, 2004 by:

**UNIVERSITY OF VIRGINIA  
FOUNDATION**

By: \_\_\_\_\_  
Tim R. Rose, Secretary  
Owner of tax map parcels: 76-17B, 17B(1),  
17B(3), 17B(5), 17B(6), 17B(7), and 17B(X)

**UNIVERSITY OF VIRGINIA HEALTH  
SERVICES FOUNDATION**

By: \_\_\_\_\_  
Marc Dettmann, Chief Executive Officer  
Owner of tax map parcel: 76-17B(2)

**THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA**

By: \_\_\_\_\_  
Leonard W. Sandridge, Executive Vice President and  
Chief Operating Officer  
Owner of tax map parcels: 76-17B(8) and 17B(W)

**ORDINANCE NO. 04-18(2)**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, of the Code of the County of Albemarle are amended and reordained as follows:

**By Amending:**

Sec. 3.1	Definitions
Sec. 5.1.40	Personal wireless service facilities
Sec. 10.2.1	By right
Sec. 10.2.2	By special use permit
Sec. 12.2.1	By right
Sec. 12.2.2	By special use permit
Sec. 13.2.1	By right
Sec. 13.2.2	By special use permit
Sec. 14.2.1	By right
Sec. 14.2.2	By special use permit
Sec. 15.2.1	By right
Sec. 15.2.2	By special use permit
Sec. 16.2.1	By right
Sec. 16.2.2	By special use permit
Sec. 17.2.1	By right
Sec. 17.2.2	By special use permit
Sec. 18.2.1	By right
Sec. 18.2.2	By special use permit
Sec. 19.3.1	By right
Sec. 19.3.2	By special use permit
Sec. 20.3.1	By right
Sec. 20.3.2	By special use permit
Sec. 20A.6	Permitted uses
Sec. 22.2.1	By right
Sec. 22.2.2	By special use permit
Sec. 23.2.1	By right
Sec. 23.2.2	By special use permit
Sec. 24.2.1	By right
Sec. 24.2.2	By special use permit
Sec. 25.2.2	By special use permit
Sec. 27.2.1	By right
Sec. 27.2.2	By special use permit
Sec. 28.2.1	By right
Sec. 28.2.2	By special use permit
Sec. 30.3.5.1.1	By right within the floodway
Sec. 30.3.5.2.1	By special use permit within the floodway

## Chapter 18. Zoning

### Article I. General Provisions

#### Sec. 3.1 Definitions

*Antenna array:* An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

*Avoidance area:* An area having significant resources where the siting of personal wireless service facilities could result in adverse impacts as follows: (i) any ridge area where a personal wireless service facility would be skylighted; (ii) a parcel within an agricultural and forestal district; (iii) a parcel within a historic district; (iv) any location in which the proposed personal wireless service facility and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of two hundred (200) feet; or (v) any location within two hundred (200) feet of any state scenic highway or by-way.

*Personal wireless service facility:* A facility for the provision of personal wireless services, as defined by 47 U.S.C. § 332 (Section 704 of the Telecommunications Act of 1996), including those Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed wireless services and common carrier wireless exchange access services.

*Reference tree:* A tree designated for determining the top height of a treetop facility's monopole mounting structure. This may either be the tallest tree within twenty five (25) feet of the proposed monopole or a shorter tree that has been strategically identified for screening and camouflaging purposes.

*Ridge area:* All land within one hundred (100) vertical feet of, and including, the ridgeline and peaks of a mountain or chain of mountains, as identified on a ridge area map approved by the board of supervisors.

*Ridgeline:* The uppermost line created by connecting the peaks of a mountain or chain of mountains, and from which land declines in elevation on at least two (2) sides, as identified on a ridge area map approved by the board of supervisors.

*Skylight:* Locating a personal wireless service facility in such a way that the sky is the backdrop of any portion of the facility. Skylight has the same meaning as "skylining," as that term is used in the wireless policy.

*Tier I personal wireless service facility or Tier I facility:* A personal wireless service facility that: (i) is located entirely within an existing building but which may include a self-contained shelter or cabinet not exceeding one hundred fifty (150) square feet that is not within the building or a whip antenna that satisfy the requirements of section 5.1.40(c); (ii) consists of one or more antennas, other than a microwave dish, attached to an existing conforming structure other than a flag pole, that do not exceed the height of the structure, and are flush mounted to the structure, together with associated personal wireless service equipment; or (iii) is located within or camouflaged by an addition to an existing structure determined by the agent to be in character with the structure and the surrounding district.

*Tier II personal wireless service facility or Tier II facility:* A personal wireless service facility that is a treetop facility not located within an avoidance area.

*Tier III personal wireless service facility or Tier III facility:* A personal wireless service facility that is neither a Tier I nor a Tier II facility, including a facility that was not approved by the commission or the board of supervisors as a Tier II facility.

*Treetop facility:* A personal wireless service facility consisting of a self-supporting monopole having a single shaft of wood, metal or concrete no more than ten (10) feet taller than the crown of the tallest tree within twenty-five (25) feet of the monopole, measured above sea level (ASL), and includes associated



antennas, mounting structures, an equipment cabinet and other essential personal wireless service equipment.

## **Article II. Basic Regulations**

### **Sec. 5.1.40 Personal wireless service facilities**

The purpose of this section 5.1.40 is to implement the personal wireless service facilities policy, adopted as part of the comprehensive plan. Each personal wireless service facility (hereinafter "facility") shall be subject to following, as applicable:

- a. *Application for approval:* Each request for approval of a facility shall include the following information:
  1. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner's written consent to the application.
  2. A recorded plat or recorded boundary survey of the parcel on which the facility will be located; provided, if neither a recorded plat nor boundary survey exists, a copy of the legal description of the parcel and the Albemarle County Circuit Court deed book and page number.
  3. The identity of the owner of the parcel and, if the owner is other than a real person, the complete legal name of the entity, a description of the type of entity, and written documentation that the person signing on behalf of the entity is authorized to do so.
  4. Except where the facility will be located entirely within an existing structure, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
    - (a) The location and dimensions of all existing and proposed improvements on the parcel including access roads and structures, the location and dimensions of significant natural features, and the maximum height above ground of the facility (also identified in height above sea level).
    - (b) The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the county engineer.
    - (c) The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.
    - (d) Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample shall be provided for each color.
    - (e) Except where the facility would be attached to an existing structure, the topography within two thousand (2,000) feet of the proposed facility, in contour intervals not to exceed ten (10) feet for all lands within Albemarle County and, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available, for lands not within Albemarle County.

- (f) The height, caliper and species of all trees where the dripline is located within fifty (50) feet of the facility that are relied upon to establish the proposed height and/or screening of the monopole. All trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted, regardless of their distances to the facility.
  - (g) All existing and proposed setbacks, parking, fencing and landscaping.
  - (h) The location of all existing accessways and the location and design of all proposed accessways.
  - (i) Except where the facility would be attached to an existing structure, residential and commercial structures, and residential and rural areas zoning district boundaries.
  - (j) If the proposed tower will be taller than one hundred fifty (150) feet, the proximity of the facility to commercial and private airports.
5. Photographs, where possible, or perspective drawings of the facility site and all existing facilities within two hundred (200) feet of the site, if any, and the area surrounding the site.
  6. For any proposed monopole or tower, photographs taken of a balloon test, which shall be conducted as follows:
    - (a) The applicant shall contact the agent within ten (10) days after the date the application was submitted to schedule a date and time when the balloon test will be conducted. The test shall be conducted within forty (40) days after the date the application was submitted, and the applicant shall provide the agent with at least seven (7) days prior notice; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the agent.
    - (b) Prior to the balloon test, the locations of the access road, the lease area, the tower site, the reference tree and the tallest tree within twenty five (25) feet of the proposed monopole shall be surveyed and staked or flagged in the field.
    - (c) The test shall consist of raising one or more balloons from the site to a height equal to the proposed facility.
    - (d) The balloons shall be of a color or material that provides maximum visibility.
    - (e) The photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the agent. The applicant shall identify the camera type, film size, and focal length of the lens for each photograph.
  7. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
  8. If the proposed facility would be located on lands subject to a conservation easement or an open space easement, a copy of the recorded deed of easement and the express written consent of all easement holders to the proposed facility.
- b. *Exemption from regulations otherwise applicable:* Except as otherwise exempted in this paragraph, each facility shall be subject to all applicable regulations in this chapter.

1. Notwithstanding section 4.2.3.1 of this chapter, a facility may be located in an area on a lot or parcel other than a building site.
  2. Notwithstanding section 4.10.3.1(b) of this chapter, the agent may authorize a facility to be located closer in distance than the height of the tower or other mounting structure to any lot line if the applicant obtains an easement or other recordable document showing agreement between the lot owners, acceptable to the county attorney addressing development on the part of the abutting parcel sharing the common lot line that is within the facility's fall zone (e.g., the setback of an eighty (80) foot-tall facility could be reduced to thirty (30) feet if an easement is established prohibiting development on the abutting lot within a fifty (50) foot fall zone). If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be included in the staff review, in lieu of recording an easement or other document.
  3. The area and bulk regulations or minimum yard requirements of the zoning district in which the facility will be located shall not apply.
  4. Notwithstanding section 4.11 of this chapter, a facility may be located in a required yard.
  5. Notwithstanding section 32.2 of this chapter, a site plan shall not be required for a facility, but the facility shall be subject to the requirements of section 32 and the applicant shall submit all schematics, plans, calculations, drawings and other information required by the agent to determine whether the facility complies with section 32. In making this determination, the agent may impose reasonable conditions authorized by section 32 in order to assure compliance.
- c. *Tier I facilities.* Each Tier I facility may be established upon approval of an application satisfying the requirements of subsection 5.1.40(a) by the agent, demonstrating that the facility will be installed and operated in compliance with all applicable provisions of this chapter, satisfying all conditions of the architectural review board, and meeting the following conditions:
1. The facility shall comply with subsection 5.1.40(b).
  2. The facility shall be designed, constructed and maintained as follows: (i) guy wires shall not be permitted; (ii) outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire shall be fully shielded as required by section 4.17 of this chapter; (iii) any equipment cabinet not located within the existing structure shall be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation approved by the county's landscape planner; (iv) a whip antenna less than six (6) inches in diameter may exceed the height of the existing structure; (v) a grounding rod, whose height shall not exceed two (2) feet and whose width shall not exceed one (1) inch in diameter at the base and tapering to a point, may be installed at the top of facility or the structure; and (vi) within one month after the completion of the installation of the facility, the applicant shall provide a statement to the agent certifying that the height of all components of the facility complies with this regulation.
  3. Equipment shall be attached to the exterior of a structure only as follows: (i) the total number of arrays of antennas attached to the existing structure shall not exceed three (3), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; (ii) no antenna shall project from the structure beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the existing structure; and (iii) each antenna and associated equipment shall be a color that matches the existing structure. For purposes of this section, all types of antennas and dishes regardless of their use shall be counted toward the limit of three arrays.
  4. Prior to issuance of a building permit, the applicant shall submit a tree conservation plan

prepared by a certified arborist. The plan shall be submitted to the agent for review and approval to assure that all applicable requirements have been satisfied. The plan shall specify tree protection methods and procedures, and identify all existing trees to be removed on the parcel for the installation, operation and maintenance of the facility. Except for the tree removal expressly authorized by the agent, the applicant shall not remove existing trees within the lease area or within one hundred (100) feet in all directions surrounding the lease area of any part of the facility. In addition, the agent may identify additional trees or lands up to two hundred (200) feet from the lease area to be included in the plan.

5. The installation, operation and maintenance of the facility shall be conducted in accordance with the tree conservation plan. Dead and dying trees identified by the arborist's report may be removed if so noted on the tree conservation plan. If tree removal is later requested that was not approved by the agent when the tree conservation plan was approved, the applicant shall submit an amended plan. The agent may approve the amended plan if the proposed tree removal will not adversely affect the visibility of the facility from any location off of the parcel. The agent may impose reasonable conditions to assure that the purposes of this paragraph are achieved.
  6. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in technology that makes it likely that tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent.
  7. The owner of the facility shall submit a report to the agent by no earlier than May or and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and/or operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report.
  8. No slopes associated with the installation of the facility and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the county engineer are employed.
  9. Any equipment cabinet not located within an existing building shall be fenced only with the approval of the agent upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; and (iii) would not be detrimental to the public health, safety or general welfare.
- d. *Tier II facilities.* Each Tier II facility may be established upon commission approval of an application satisfying the requirements of subsection 5.1.40(a) and demonstrating that the facility will be installed and operated in compliance with all applicable provisions of this chapter, criteria (1) through (8) below, and satisfying all conditions of the architectural review board. The commission shall act on each application within the time periods established in section 32.4.2.6. The commission shall approve each application, without conditions, once it determines that all of

these requirements have been satisfied. If the commission denies an application, it shall identify which requirements were not satisfied and inform the applicant what needs to be done to satisfy each requirement.

1. The facility shall comply with subsection 5.1.40(b) and subsection 5.1.40(c)(2) through (9).
2. The site shall provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility. If the facility would be visible from a state scenic river or a national park or national forest, regardless of whether the site is adjacent thereto, the facility also shall be sited to minimize its visibility from such river, park or forest. If the facility would be located on lands subject to a conservation easement or an open space easement, or adjacent to a conservation easement or open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.
3. The facility shall not adversely impact resources identified in the county's open space plan.
4. The facility shall not be located so that it and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of two hundred (200) feet.
5. The maximum base diameter of the monopole shall be thirty (30) inches and the maximum diameter at the top of the monopole shall be eighteen (18) inches.
6. The top of the monopole, measured in elevation above mean sea level, shall not exceed the height approved by the commission. The approved height shall not be more than seven (7) feet taller than the tallest tree within twenty-five (25) feet of the monopole, and shall include any base, foundation or grading that raises the pole above the pre-existing natural ground elevation; provided that the height approved by the commission may be up to ten (10) feet taller than the tallest tree if the owner of the facility demonstrates to the satisfaction of the commission that there is not a material difference in the visibility of the monopole at the proposed height, rather than at a height seven (7) feet taller than the tallest tree; and there is not a material difference in adverse impacts to resources identified in the county's open space plan caused by the monopole at the proposed height, rather than at a height seven (7) feet taller than the tallest tree. The applicant may appeal the commissioner's denial of a modification to the board of supervisors as provided in subsection 5.1.40(d)(12).
7. Each wood monopole shall be a dark brown natural wood color; each metal or concrete monopole shall be painted a brown wood color to blend into the surrounding trees. The antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole. The ground equipment, the ground equipment cabinet, and the concrete pad shall also be a color that closely matches that of the monopole, provided that the ground equipment and the concrete pad need not be of such a color if they are enclosed within or behind an approved structure, façade or fencing that: (i) is a color that closely matches that of the monopole; (ii) is consistent with the character of the area; and (iii) makes the ground equipment and concrete pad invisible at any time of year from any other parcel or a public or private street.
8. Each wood monopole shall be constructed so that all cables, wiring and similar attachments that run vertically from the ground equipment to the antennas are placed on the pole to face the interior of the property and away from public view, as determined by the agent. Metal monopoles shall be constructed so that vertical cables, wiring and similar attachments are contained within the monopole's structure.

9. The following shall be submitted with the building permit application: (i) certification by a registered surveyor stating the height of the reference tree that is used to determine the permissible height of the monopole; and (ii) a final revised set of plans for the construction of the facility. The agent shall review the surveyor's certificate and the plans to assure that all applicable requirements have been satisfied.
  10. The following shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that the lightning rod's height does not exceed two (2) feet above the top of the monopole and width does not exceed a diameter of one (1) inch.
  11. Notice of the commission's consideration of an application for a Tier II facility shall be sent by the agent to the owner of each lot abutting the lot on which the proposed facility will be located. The notice shall describe the nature of the facility, its proposed location on the lot, its proposed height, the appropriate county office where the complete Tier II facility application may be viewed, and the date, time and location where the commission will consider the application. The notice shall be mailed by first class mail or hand delivered at least ten (10) days prior to the commission meeting. Mailed notice shall be mailed to the last known address of the owner, and mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed compliance with this requirement. The failure of an owner to receive the notice as provided herein shall not affect the validity of an approved Tier II facility and shall not be the basis for an appeal.
  12. The board of supervisors may consider an application for a Tier II facility only upon an appeal of the denial of the application by the commission. An appeal shall be submitted in writing in the office of the agent within ten (10) calendar days after the date of the denial by the commission. In considering an appeal, the board may affirm, reverse, or modify in whole or in part, the decision of the commission, and its decision shall be based upon the requirements delineated in this subsection (d).
  13. Upon the written request of the applicant, the agent may authorize the height of an existing Tier II facility's monopole to be increased above its originally approved height upon finding that the reference tree has grown to a height that is relative to the requested increase in height of the monopole. The application shall include a certified survey of the reference tree's new height, as well as the heights of other trees to be considered by the agent. The agent shall not grant such a request if the increase in height would cause the facility to be skylighted or would increase the extent to which it is skylighted.
- e. *Tier III facilities.* Each Tier III facility may be established upon approval of a special use permit issued pursuant to section 31.2.4 of this chapter, initiated upon an application satisfying the requirements of subsection 5.1.40(a) and section 31.2.4, and it shall be installed and operated in compliance with all applicable provisions of this chapter and the following:
1. The facility shall comply with subsection 5.1.40(b), subsection 5.1.40(c)(2) through (9), and subsection 5.1.40(d)(2), (3), (6) and (7), unless modified by the board of supervisors during special use permit review.
  2. The facility shall comply with all conditions of approval of the special use permit.

### **Article III. District Regulations**

#### **Sec. 10.2.1 By right**

The following uses shall be permitted in any RA district subject to the requirements and limitations of these regulations:

22. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 10.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4: (Added 10-9-02)

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

**Sec. 12.2.1 By right**

The following uses shall be permitted subject to requirements and limitations of this ordinance:

16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 12.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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

**Sec. 13.2.1 By right**

The following uses shall be permitted subject to requirements and limitations of this ordinance:

13. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 13.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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

**Sec. 14.2.1 By right**

The following uses shall be permitted subject to requirements and limitations of this ordinance:

13. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 14.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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

**Sec. 15.2.1 By right**

The following uses shall be permitted subject to requirements and limitations of this ordinance:

15. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 15.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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

**Sec. 16.2.1 By right**

The following uses shall be permitted subject to the requirements and limitations of this ordinance:

16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 16.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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

**Sec. 17.2.1 By right**

The following uses shall be permitted subject to the requirements and limitations of this ordinance:

16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 17.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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

**Sec. 18.2.1 By right**

The following uses shall be permitted subject to the requirements and limitations of this ordinance:

16. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 18.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

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

**Sec. 19.3.1 By right**

The following uses shall be permitted subject to the requirements and limitations of this ordinance:

12. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 19.3.2 By special use permit**

The following uses shall be permitted only by special use permit, provided that no separate application shall be required for any such use as shall be included in the original PRD rezoning petition:

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



**Sec. 20.3.1 By right**

The following uses shall be permitted subject to the requirements and limitations of this ordinance:

- 12. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 20.3.2 By special use permit**

The following uses shall be permitted only by special use permit, provided that no separate application shall be required for any such use included in the original PUD rezoning petition:

- 8. Tier III personal wireless service facilities (reference 5.1.40).

**Sec. 20A.6 Permitted uses**

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved general development plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right:

- 9. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 22.2.1 By right**

The following uses shall be permitted in any C-1 district subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

- b. The following services and public establishments:

- 27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 22.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

- 14. Tier III personal wireless service facilities (reference 5.1.40).

**Sec. 23.2.1 By right**

The following uses shall be permitted in any CO district, subject to the requirements and limitations of these regulations:

- 14. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 23.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

- 15. Tier III personal wireless service facilities (reference 5.1.40).

**Sec. 24.2.1 By right**

The following uses shall be permitted in any HC district subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

- 45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 24.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

- 17. Tier III personal wireless service facilities (reference 5.1.40).

**Sec. 25.2.2 By special use permit**

- 6. Tier III personal wireless service facilities (reference 5.1.40).

**Sec. 27.2.1 By right**

Except as otherwise limited by section 27.2.2.10, the following uses shall be permitted in any LI district subject to the requirements and limitations of these regulations: (Amended 2-13-85)

- 19. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 27.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

- 17. Tier III personal wireless service facilities (reference 5.1.40).

**Sec. 28.2.1 By right**

Except as otherwise limited by section 28.2.2.14, the following uses shall be permitted in any HI district subject to the requirements and limitations of these regulations: (Amended 2-13-85)

- 25. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 28.2.2 By special use permit**

The following uses shall be permitted only by special use permit approved by the board of supervisors pursuant to section 31.2.4:

- 18. Tier III personal wireless service facilities (reference 5.1.40).

**Sec. 30.3.05.1.1 By right within the floodway**

The following uses or activities are authorized within the floodway as a matter of right:

- 8. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**Sec. 30.3.05.2.1 By special use permit within the floodway**

The following uses or activities are authorized within the floodway by special use permit:

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

**ORDINANCE NO. 04-18(3)**

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

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

**By Amending:**

Sec. 35.0 Fees

**Chapter 18. Zoning****Article IV. Procedure****35.0 Fees.**

Except as herein otherwise provided, every application made to the zoning administrator, the commission, or the board of supervisors shall be accompanied by a fee as set forth hereinafter, to defray the cost of processing such application. Neither the County nor the School Board of Albemarle County shall be required to pay any fee required by this section if it is the applicant.

- a. For a special use permit:
  1. Rural area division for the purpose of "family division" where all original 1980 development rights have been exhausted under "family division" as defined under section 18-56 of the subdivision ordinance - \$220.00. (Amended effective 1-1-94)
  2. Rural area divisions - \$1,240.00.
  3. Commercial use - \$980.00.
  4. Industrial use - \$1,020.00.
  5. Private club/recreational facility - \$1,020.00.
  6. Mobile home park or subdivision - \$980.00.
  7. Public utilities - \$1,020.00.
  8. Grade/fill in the flood plain - \$870.00.
  9. Minor amendment to valid special use permit or a special use permit to allow minor expansion of a non-conforming use -\$110.00. (Amended effective 1-1-94)
  10. Extending special use permits - \$70.00.
  11. Home Occupation-Class A - \$13.00;  
Home Occupation-Class B - \$440.00.
  12. For day care centers - six (6) to nine (9) children - \$490.00. (Added 6-3-92)
  13. For day care centers - ten (10) or more children - \$980.00. (Added 6-3-92)
  14. All other uses except signs - \$980.00. (Amended 7-8- 92)
- b. For amendment to text of zoning ordinance - \$840.00.
- c. Amendment to the zoning map:
  1. For planned developments - under 50 acres - \$1,020.00.
  2. For planned developments - 50 or more acres - \$1,570 .00.
  3. For all other zoning map amendments - under 50 acres - \$1,020.00.
  4. For all other zoning map amendments - 50 or more acres - \$1,570.00.
  5. Minor amendment to a zoning map amendment - \$220.00.
- d. Board of Zoning Appeals:
  1. Request for a variance or sign special use permit - \$120.00. (Amended 7-8-92)

2. For other appeals to the board of zoning appeals (including appeals of zoning administrator's decision) - \$120.00, to be refunded if the decision of the zoning administrator is overturned.
- e. Preliminary site development plan:
1. Residential - \$1,190.00, plus \$13.00/unit.
  2. Non-residential - \$1,580.00, plus \$13.00/1000 square feet.
- f. Final site development plan:
1. Approved administratively - \$410.00.
  2. If reviewed by the commission before approval of preliminary site development plan - \$1,130.00.
  3. If reviewed by the commission after approval of the preliminary site development plan - \$790.00.
  4. For site development plan waiver - \$270.00.
  5. For site development plan amendment:
    - a) Minor - alterations to parking, circulation, building size, location –\$95.00.
    - b) Major - commission review - \$270.00.
  6. Review of site development plan by the architectural review board - \$200.00.
  7. Appeal of site development plan to the board of super visors - \$240.00.
  8. Rehearing of site development plan by commission or board of supervisors - \$190.00.
  9. Rejection by agent of incomplete site development plan:
    - a) Rejected within ten days - \$200.00.
    - b) Suspended after site plan review - site plan fee shall not be refunded. \$65.00 fee shall be required to reinstate project.
- g. For relief from a condition of approval from commission or landscape waiver by agent - \$180.00.
- h. Change in road or development name after submittal of site development plan:
1. Road - \$20.00.
  2. Development - \$25.00.
- i. Extending approval of site development plan - \$45.00.
- j. Granting request to defer action on site development plan, special use permit or zoning map amendment:
1. To a specific date - \$35.00.
  2. Indefinitely - \$75.00.

- k. Bond inspection for site development plan, for each inspection after the first bond estimate - \$60.00.
- l. Zoning clearance - \$35.00.
- m. Accessory lodging permits - \$35.00.
- n. Official Letters:
  - 1. Of determination - \$75.00.
  - 2. Of compliance with county ordinances- \$75.00.
  - 3. Stating number of development rights - \$40.00.
- o. Sign Permits:
  - 1. Any sign, except exempted signs and signs requiring review by the architectural review board - \$35.00.
  - 2. Signs required to be reviewed by the architectural review board - \$75.00.
- p. Groundwater assessment information required by sections 31.2.2 or 32.5.7:
  - 1. Tier 1 assessment under Albemarle County Code § 17-401 – \$50.00.
  - 2. Tier 3 assessment under Albemarle County Code § 17-403 – \$400.00 plus \$25.00 per lot.
  - 3. Tier 4 assessment under Albemarle County Code § 17-404 – \$1,000.00.
- q. Tier II personal wireless service facility - \$790.00.

In addition to the foregoing, the actual costs of any notice required under Chapter 22, Title 15.2 of the Code shall be charged to the applicant, to the extent that the same shall exceed the applicable fee set forth in this section. Failure to pay all applicable fees shall constitute grounds for the denial of any application. For any application withdrawn after public notice has been given, no part of the fee will be refunded. (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)

(§ 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)