

ACTIONS
Board of Supervisors Meeting of December 7, 2005

December 9, 2005

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> • Meeting was called to order at 9:05 a.m. by the Chairman, Mr. Rooker. All BOS members were present except Ms. Thomas. Also present were Bob Tucker, Larry Davis and Debi Moyers. • Observed Moment of Silence and respectfully remembered John Baker who had just passed away. He was a former County employee and served two terms on the School Board. 	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Tom Loach, a resident of Crozet, reiterated his concerns about development in the Crozet community. Believes the Board has an obligation to the community of Crozet to implement the approved Master Plan that it presented to the community. If the plan needs to be changed, the Board should have staff come back to the community explaining the need for the changes and give the community an opportunity to debate and vote to accept any changes. • Paula Brown-Steadly, a resident of Albemarle County for 24 years, spoke about traffic problems and other issues related to Doctor's Crossing. She said nothing has changed with the road since the early 1980s except that there has been more development allowed along the road. This is a dangerous road and the County needs to do something about it. • Mary Rice, a resident of Crozet, asked the Board to deny all future rezonings in Crozet until the Board has looked closely at the implications of each rezoning with regard to the total population build out of Crozet. • Katurah Roell brought maps showing the proposed transportation layout for the Pantops area and the proposed possible connections that could be made over to Route 20 internal and parallel to Route 250. Discussed the proposed connections and asked for support in moving forward. • Jeff Werner applauded Paula Brown-Steadly's comments. Stated there are consequences of development in the rural area. Clustering does not take any less vehicular traffic off the road. Said phasing is critical. 	
<p>5. Recognitions. (Removed from agenda)</p>	
<p>6.2 ZMA-2004-017. Wickham Pond (Sign #64).</p> <ul style="list-style-type: none"> • DEFERRED until January 4, 2006. 	<p><u>Clerk:</u> Schedule on January 4, 2006 agenda.</p>
<p>6.3 Requested FY 2006 Appropriations</p> <ul style="list-style-type: none"> • APPROVED FY 2006 Appropriations #2006028, #2006029, #2006030, #2006031, 	<p><u>Clerk:</u> Forward signed appropriation forms to Finance, OMB, and copy appropriate individuals.</p>

	#2006032, #2006033, #2006034, #2006035, and #2006036.	
6.4	Request to set public hearing to amend the Jurisdictional Area Boundary of the Albemarle County Service Authority to provide water and sewer service to Tax Map 55, Parcel 50 (Chitester property) located in the Crozet Community. <ul style="list-style-type: none"> • SET public hearing for January 4, 2006. 	<u>Clerk:</u> Advertise and schedule on January 4, 2006 agenda.
6.5	Draft 2006 Thomas Jefferson Planning District Commission Legislative Program. <ul style="list-style-type: none"> • APPROVED the Draft 2006 TJPDC Legislative Program. 	<u>Clerk:</u> Notify David Blount/Andy Bowman.
6.6	“Watch for Child Playing” Sign Request for Albert Court (Route 1491) located in Camellia Garden Subdivision. <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	Clerk: Forward signed resolution to Juan Wade. (Attachment 1)
6.7	Resolution to accept road(s) in Springridge Subdivision into the Secondary System of State Highways. <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<u>Clerk:</u> Forward signed resolution to Greg Cooley in Department of Community Development. (Attachment 2)
6.8	Resolution to accept road(s) in Stonegate, Phases B & C, Subdivision into the Secondary System of State Highways. <ul style="list-style-type: none"> • ADOPTED the attached resolution. 	<u>Clerk:</u> Forward signed resolution to Greg Cooley in Department of Community Development. (Attachment 3)
6.9	2005 Third Quarter Building report as prepared by the Department of Community Development. <ul style="list-style-type: none"> • ACCEPTED. 	
6.16	Human Resources Annual Report. <ul style="list-style-type: none"> • DISCUSSED. Suggested presentation be made to the Board at a future meeting. 	<u>Clerk:</u> Schedule on future agenda.
7a.	Transportation Matters: Work Session: Six Year Secondary Road Plan. <ul style="list-style-type: none"> • HELD. • Mr. Rooker will discuss with Butch Davies between now and January 4th the Scottsville request for assistance in obtaining Revenue Sharing funds. He supports the request but would like to see if the Town can get this money by qualifying on its own. Mr. Dorrier said he would be glad to assist. CONSENSUS of the Board that Scottsville receives the funds while minimizing the County’s loss of revenue sharing. Mr. Rooker asked Mr. Clark, the Town Administrator, to work with County staff. • Mr. Boyd said it would be helpful to him to add another column on this list on the funding availability. Mr. Benish referred Mr. Boyd to Attachment D, VDOT’s 2006/07-2011/12 Secondary System Construction Plan. • Mr. Rooker referenced Item #67, Barracks/Garth Road, pave shoulders and/or off road trail. Said Barracks Road is in the nationally recognized Cross Country Bicycle Trails, 1776 Route. Said it is not only in our local plan but it is on a regional/national plan. Thinks the County should look at the cost to widen the shoulder on that road both for safety and bicycle purposes. If the County can 	<u>Clerk:</u> Forward comments to Wayne Cilimberg/David Benish/Juan Wade.

<p>interact with VDOT to determine project cost, it could be brought back to the Board next year to make a decision.</p> <ul style="list-style-type: none"> • Mr. Boyd asked that the road list be updated. Gilbert Station Road and Allen Road are complete yet they have estimated advertising dates of January 05. Mr. Cilimberg said Gilbert Station Road and Allen Road have to be on the list with their dollar amounts because they are still being paid for. Staff did add comments they are nearly complete or complete. • Discussed method for allocating funds to Rural Rustic Road projects and regular unpaved roads. • Mr. Dorrier wanted to know if item #58, spot improvement, can be moved up the priority list since the Town of Scottsville is going forward with the funding from VDOT on the Streetscape Project. This part of the project is continuous to the other part of the Streetscape Project and should be done at the same time. Mr. Wade said that project is very far down on the list and Scottsville wants to get started in the Spring of 2006, but VDOT has not started to look at this project. It usually takes 2-3 years for them to get engineering work and a public hearing. Mr. Rooker said he is supportive of the project they looked at earlier for Scottsville but for this project we need a cost estimate. Mr. Cilimberg said the Board will be deciding on a priority list in January. We can make a specific request that even for projects that have not made the strategic list and came up today (this intersection and shoulders on Garth/Barracks) that we get a cost estimate. • Mr. Wyant asked if VDOT is still maintaining a data base on accident data at intersections where there is a safety issue. Ms. Butler replied yes. • Mr. Cilimberg stated the public hearing will be held next week with the Board taking action in January. Any additional information, the staff will get to the Board by then. 	<p><u>David Benish/Juan Wade</u>: Provide funding spreadsheets, like Attachment D, for Rural Rustic Roads/Regular Paving projects for January 4th agenda.</p>
<p>7b. VDOT Monthly Report for October, 2005.</p> <ul style="list-style-type: none"> • RECEIVED. 	
<p>Other Transportation Matters. <u>Teresa Butler</u>:</p> <ul style="list-style-type: none"> • Stated the weather has kept VDOT busy between heavy rains and storm clean-up efforts. • Reported repairs on sinkhole on Route 29 South are complete. Said the sinkhole was 25 feet deep and 18 feet wide. • VDOT is continuing to patch roads. Traffic engineering issues are keeping VDOT busy in the residency as well. • Spoke about Mr. Dorrier's issue on Route 20 from November 2nd meeting. Said it was 	<p><u>Clerk</u>: Forward comments to VDOT.</p>

submitted to traffic engineering division and VDOT should be receiving a response relative to the study he requested.

David Wyant:

- Asked VDOT to look into safety concerns on Route 250, second entrance into Greenwood, Route 691.
- Drainage issue at the Buck Mountain/St. George intersection in Crozet. Ms. Butler said VDOT is also reviewing some speed issues down there as well.
- Asked about white line on the edge of Garth Road, safety issue. Ms. Butler said she will check on that.

David Bowerman:

- Said VDOT has done a significant amount of drainage work on Carrsbrook Drive because of erosion. It looks like there are tons of rocks there but at the edge, there is still dirt that is eroding again. It's right on the edge and needs to be taken into account to stabilize the whole slope.

Dennis Rooker:

- Asked about the possibility of looking at safety calming improvements for Solomon Road and Inglewood Drive which has a significant amount of traffic and there are no shoulders, sidewalks, etc. Ms. Butler said she believes Solomon Road has been reviewed within the last 90 days. She will check on the status of that. Ms. Butler said VDOT can put the speed box out there.
- Said the site plan for Albemarle Place has been filed and there is a significant proffer for transportation improvements in there some of which are to be focused on the Hydraulic/29 intersection. Three corners of that intersection are in the City. We need to make certain we coordinate with the City to implement the intersection improvements there since they are important for making traffic work.

Ken Boyd:

- Wanted to know status of letter sent to Jim Utterback from Mr. Wade addressing issues regarding Doctor's Crossing. Also, new pipes VDOT put under the road have broken away and wanted to make sure VDOT was aware. Ms. Butler said she made documentation earlier this morning to check on this when she gets back to the office.

Lindsay Dorrier:

- Requested on Route 795 between Route 53 and Ashlawn, that reflectors be installed along that stretch of road (3-4 miles). Road is curvy and narrow and has a lot of traffic. Ms. Butler said a contract is in place and contractors are working towards installing raised pavement markings on all primary routes within Albemarle

	County. She said VDOT maybe able to add to the contract that is already in place as an addendum. Will check on this.	
	<ul style="list-style-type: none"> The Board recessed at 10:45 a.m. and reconvened at 11:02 a.m. 	
8.	<p>Bright Stars Annual Report.</p> <ul style="list-style-type: none"> PRESENTED by Charity Haines, Program Coordinator. Mr. Boyd asked that in the future the SOL data (page 9) provide a comparison to prior year's information. 	
9.	<p>Commission on Children and Families Annual Report.</p> <ul style="list-style-type: none"> PRESENTED by Tracey Hopper (City member) and Madison Cummings (County member). Roxanne White, Assistant County Executive, informed the Board that today is Saphira Baker's last day as Director of the Commission. Asked the Board to join her in wishing Saphira well in her new position in Richmond as the Deputy Chief Administrator Officer for Human Services. 	
10.	<p>Personal Property Tax Relief Update.</p> <ul style="list-style-type: none"> DISCUSSED. CONSENSUS of the Board to take the proposed ordinance to public hearing January 4, 2006. 	<u>Clerk:</u> Advertise and schedule on January 4, 2006 agenda.
11.	<p>Policy on Submission of Materials for Zoning Applications (deferred from November 9, 2005).</p> <ul style="list-style-type: none"> APPROVED, by a vote of 5:0, the attached policy for the submission of materials for zoning applications. Mr. Rooker requested that a work session for the development review process be scheduled in January. 	<p><u>Clerk:</u> Send copy to County Attorney and Community Development staff. (Attachment 4)</p> <p><u>Clerk:</u> Schedule on January 11, 2006 agenda.</p>
12.	<p>Transportation Strategies (continued from November 9, 2005).</p> <ul style="list-style-type: none"> APPROVED, by a vote of 4:1, the transportation engineer position at grade 19 and an appropriation of \$80,000.00 from current transportation funding to fund the position in FY 05/06. 	<u>Mark Graham/Melvin Breeden:</u> Proceed as directed.
13.	<p>Closed Session: Personnel and Legal Matters.</p> <ul style="list-style-type: none"> At 12:42 p.m., the Board went into closed session to consider appointments to Boards, Committees and Commissions. 	
14.	<p>Certified Close Session.</p> <ul style="list-style-type: none"> At 1:50 p.m., the Board reconvened into open session and certified the closed session. 	
15.	<p>Vacancies/Appointments.</p> <ul style="list-style-type: none"> REAPPOINTED Joseph Samuels, Jr. and Ross Stevens to the ACE Appraisal Review Committee with said terms to expire December 31, 2006. REAPPOINTED Alan Collier, as the Rivanna District representative on the Equalization Board, with said term to expire December 31, 2006. REAPPOINTED Dabney B. Sandridge, as the 	<u>Clerk:</u> Prepare appointment letters, update Boards and Commissions book and notify appropriate persons.

<p>White Hall District representative on the Equalization Board, with said term to expire December 31, 2006.</p> <ul style="list-style-type: none"> • REAPPOINTED A. Scott Ward, as the Scottsville District representative on the Equalization Board, with said term to expire December 31, 2006. • REAPPOINTED David Cooke, II, as the Jack Jouett representative on the Equalization Board, with said term to expire December 31, 2006. • REAPPOINTED Alice Nye Fitch, as the Samuel Miller District representative on the Equalization Board, with said term to expire December 31, 2006. • APPOINTED Helen Flamini, as the PHA representative, to the Housing Committee with said term to expire December 31, 2008. • REAPPOINTED Ida Lee Wooten, as the UVA representative, to the Housing Committee with said term to expire December 31, 2008. • REAPPOINTED David T. Paulson, as the AHIP representative, to the Housing Committee with said term to expire December 31, 2008. • REAPPOINTED Frank L. Robinson, III, to the Joint Airport Commission with said term to expire December 1, 2008. • REAPPOINTED William Edgerton, as the Jack Jouett representative on the Planning Commission, with said term to expire December 31, 2009. • APPOINTED Stephen Kirkup to the Rivanna Solid Waste Authority Citizens Advisory Committee with said term to expire December 31, 2007. 	
<ul style="list-style-type: none"> • Non-Agenda. <ul style="list-style-type: none"> • Mr. Tucker said the School Board has asked the Board of Supervisors to change the date of its budget public hearing because it falls during the week of Spring break. CONSENSUS of the Board to hear additional reasons from the School Board before considering a change. • Mr. Tucker gave Board members a copy of a draft statement that staff has prepared for tomorrow night's Moving Virginia Forward town meeting. Mr. Boyd asked that the letter be sent electronically to Board members so they can edit/respond to each other. 	<p><u>David Benish</u>: Proceed as directed.</p>
<p>16. Vehicle Decal Ordinance.</p> <ul style="list-style-type: none"> • ADOPTED the attached ordinance, by a vote of 5:0. 	<p><u>Clerk</u>: Forward adopted ordinance to County Attorney's office for inclusion in next update of County Code and copy Finance. (Attachment 5)</p>
<p>17. Real Estate Tax Exemption for Certain Elderly and Disabled Persons.</p> <ul style="list-style-type: none"> • ADOPTED the attached ordinance, by a vote of 5:0, to increase the acreage excluded from the calculation to net worth from 1.0 acres to 5.0 acres. 	<p><u>Clerk</u>: Forward adopted ordinance to County Attorney's office for inclusion in next update of County Code and copy Finance. (Attachment 6)</p>

<p>18. Abandoned and Unattended Motor Vehicles Ordinance.</p> <ul style="list-style-type: none"> • ADOPTED the attached ordinance, by a vote of 5:0. 	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's office for inclusion in next update of County Code and copy Finance. (Attachment 7)</p>
<p>19. Dog Fines in Albemarle County.</p> <ul style="list-style-type: none"> • ADOPTED the attached ordinance, by a vote of 5:0. • Mr. Rooker asked the Clerk to make copies and distribute Margaret Marsh's letter to Board members, County Executive and County Attorney regarding overpopulation of homeless dogs and cats in Virginia. 	<p><u>Clerk:</u> Forward adopted ordinance to County Attorney's office for inclusion in next update of County Code and copy Finance. (Attachment 8)</p> <p><u>Clerk:</u> Proceed as directed.</p>
<p>20. SP-2005-011. Rio East Commercial Area (Signs #45,49).</p> <ul style="list-style-type: none"> • APPROVED SP-2005-011, by a vote of 5:0, subject to the five conditions recommended by the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 9)</p>
<p>21. SP-2005-021. American Spirit Institute (Sign #75).</p> <ul style="list-style-type: none"> • APPROVED SP-2005-021, by a vote of 5:0, subject to the one condition recommended by the Planning Commission. Condition number two was removed at the meeting. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 9)</p>
<p>22. ZMA-2005-012. Sandridge (Signs #59,71).</p> <ul style="list-style-type: none"> • APPROVED ZMA-2005-012, by a vote of 5:0. 	
<p>23. ZMA-2004-011. Charlottesville Power Equipment (Sign #37).</p> <ul style="list-style-type: none"> • APPROVED ZMA-2004-011, by a vote of 5:0, as proffered November 30, 2005. 	<p><u>Sarah Baldwin:</u> Post on County website. (Attachment 9)</p>
<p>24. SP-2004-036. Charlottesville Power Equipment (Sign #37).</p> <ul style="list-style-type: none"> • APPROVED SP-2004-036, by a vote of 5:0, subject to the two conditions recommended by staff and the Planning Commission with a third condition being added at the meeting: • Condition number 3, "Upon request, the owner shall dedicate to the County the portion of the property within the 100' stream buffer deemed necessary by the County for a greenway trail and the area designated on the plan produced by Terra Partners, LLC, dated October 19, 2004, last revised October 10, 2005, entitled "Williams Property" as the "resting station with benches"." 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 9)</p>
<ul style="list-style-type: none"> • The Board recessed at 3:05 p.m. and reconvened at 3:20 p.m. 	
<p>25. SP-2004-0037. Charlottesville Power Equipment (Sign #37).</p> <ul style="list-style-type: none"> • APPROVED SP-2004-037, by a vote of 5:0, subject to the four conditions recommended by staff and the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 9)</p>
<p>26. Work Session: CPA-2005-001. Land Use Plan Transportation Update.</p> <ul style="list-style-type: none"> • HELD. • CONSENSUS of the Board to take the proposed updates to the Transportation Section of the Land Use Plan (Pages 1-36) to public hearing January 11, 2006. 	<p><u>Clerk:</u> Advertise and schedule on January 11, 2006 agenda.</p>

27. From the Board: Matters Not Listed on the Agenda.
- David Wyant:
- Concerned about Crozet Park and the proffer that was offered. Requested staff to check and see when that runs out.
 - Wanted to know status of the Old Trail proffer which was a recreational study the County wanted to do for the western part of Albemarle County.
- Dennis Rooker:
- Asked about the Lethal Wrecker issue. Mr. Davis said his office is looking into this issue and will have a report back to the Board in January.
 - Mr. Rooker asked the Clerk to make copies and distribute an article from the Wall Street Journal, "State, Local Officials Face Looming Health-Care Tab" regarding retiree health insurance, to Board members. Mr. Boyd wanted to know when that issue was coming back to the Board. Mr. Tucker said he will check with Mr. Breeden.
- Ken Boyd:
- Wanted to know status of Key West Dam situation. Mr. Shadman, Director of General Services, said the two bids they received came in much higher than expected and were unacceptable. Has a meeting to address the cost issue tomorrow on why some of the amounts were so far off between contractors and staff. Has asked the County Engineer to be involved. Will use their knowledge and the staff of General Services to try and come up with a design that will fit within the County's budget.
 - Asked for the Pantops area, if there are proposals to build roads that connect with commercial areas or connect with other neighborhoods, that staff not turn down but bring forward to the Board.
 - Wanted to know the status of the Eastern Connector Location Study. Mr. Graham said they are moving forward with discussions with the City on this.
- Lindsay Dorrier:
- Wanted to know status of study of Route 250 East. Mr. Cilimberg said the Old Corridor analysis was not adopted by the Board because they did not like it when presented. Mr. Tucker said several years ago there was a proposal to look at four laning 250 East. That is what the Board did not support. Mr. Rooker said there is a VDOT proposal, made in potential new projects, going to the MPO Technical Committee for a four lane Route 250 where the four lanes end now just east of I-64 out to the Fluvanna County line.
 - Stated he was going to write Gordon Walker,

Clerk: Schedule on January 4, 2006 agenda.

Clerk: Proceed as directed.

County Executive: Proceed as directed.

<p>School Board Chairman, a letter requesting the School Board reconsider a school at Rivanna Village at Glenmore before the rezoning regarding the 27 acres proffered by the developer for a school or other public use.</p> <p><u>Wayne Cilimberg:</u></p> <ul style="list-style-type: none"> Discussed with the Board the proposed statement for the Moving Virginia Forward meeting in Staunton. He will provide Board members with a copy of the statement with the proposed changes for their review and to get comments back to him as soon as possible. 	
<p>28 Adjourn.</p> <ul style="list-style-type: none"> The meeting was adjourned at 4:40 p.m. 	

/djm

- Attachment 1 – Resolution to Install Watch for Child Playing Sign on Albert Court
- Attachment 2 – Resolution to accept road(s) in Springridge Subdivision into the State Secondary System of Highways
- Attachment 3 – Resolution to accept road(s) in Stonegate, Phases B & C, Subdivision into the State Secondary System of State Highways
- Attachment 4 – Submission Policy for Zoning Applications
- Attachment 5 – Vehicle Decal Ordinance
- Attachment 6 – Real Estate Tax Exemption for Certain Elderly and Disabled Persons Ordinance
- Attachment 7 – Abandoned and Unattended Motor Vehicles Ordinance
- Attachment 8 – Dog Fines in Albemarle County Ordinance
- Attachment 9 – Conditions of Approval for Planning Items

**RESOLUTION TO AUTHORIZE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO INSTALL WATCH FOR CHILD PLAYING SIGN ON
ALBERT COURT**

WHEREAS, the residents of Albert Court are concerned about traffic in their neighborhood and the potential hazard it creates for the numerous children that live and play in the subdivision; and

WHEREAS, the residents of Albert Court requested the County to take the necessary steps to have a “Watch for Child Playing” sign installed; and

WHEREAS, there are numerous children that live and play on Albert Court and that a “Watch for Child Playing” sign would help alleviate some of the residents’ safety concerns.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the community’s request for VDOT to install the necessary “Watch for Child Playing” signs on Albert Court (Route 1491).

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of December 2005, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Springridge Subdivision**, described on the attached Additions Form LA-5(A) dated **December 7, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Springridge Subdivision**, as described on the attached Additions Form LA-5(A) dated **December 7, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form LA-5(A) is:

- 1) **Powell Creek Drive (State Route 1521)** from the intersection of Route 1546 (Tinkers Cove Road) to the intersection of Route 1731 (Cove Pointe Road) and Route 1720 (Timberwood Parkway), as shown on plat recorded 01/02/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2143, pages 614-616, with a 120-foot variable right-of-way width, for a length of 0.28 miles.

Total Mileage – 0.28 miles

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of December 2005, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Stonegate, Phases B & C, Subdivision**, described on the attached Additions Form LA-5(A) dated **December 7, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Stonegate, Phases B & C, Subdivision**, as described on the attached Additions Form LA-5(A) dated **December 7, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

The road(s) described on Additions Form LA-5(A) is:

- 1) **Stonegate Lane (State Route 1258)** from the existing end of maintenance to the intersection of Route 1295 (Stonegate Court), as shown on plat recorded 04/15/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2015, page 514, with a 46-foot right-of-way width, for a length of 0.04 miles.
- 2) **Stonegate Lane (State Route 1258)** from the intersection of Route 1295 (Stonegate Court) to the cul-de-sac, as shown on plat recorded 04/15/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2015, page 514, with a 46-foot right-of-way width, for a length of 0.12 miles.
- 3) **Stonegate Court (State Route 1295)** from the intersection of Route 1258 (Stonegate Lane) to the cul-de-sac, as shown on plat recorded 04/15/2001 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2015, page 514, with a 40-foot right-of-way width, for a length of 0.09 miles.

Total Mileage – 0.25 miles

POLICY

**SUBMISSION OF MATERIALS
FOR ZONING APPLICATIONS**

It is the Board's preference that a public hearing should not be advertised until all of the final materials for a zoning application have been received by the County and are available for public review. To achieve this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than two days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks advance notice of the deadline.

If the applicant does not submit the required materials by this date, the public hearing shall not be advertised unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If not advertised, a new public hearing date will be scheduled. If the public hearing is held without final materials being available for review throughout the advertisement period due to a late submittal of documents, or because substantial revisions or amendments are made to the submitted materials after the public hearing has been advertised, it will be the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application, unless the Board finds that the deferral would not be in the public interest or not forward the purposes of this policy.

Final signed proffers shall be submitted to the County no later than nine days prior to the date of the advertised public hearing. This policy is not intended to prevent changes made in proffers at the public hearing resulting from comments received from the public or from Board members at the public hearing.

This Zoning Policy will be included in the Board's Rules of Procedure for adoption each year, so that the policy can be re-examined annually.

ORDINANCE NO. 05-9(2)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, COUNTY VEHICLE LICENSES, 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 9, Motor Vehicles and Traffic, Article IV, County Vehicle Licenses, is hereby amended and reordained as follows:

By Amending:

- Sec. 9-400 Fee imposed
- Sec. 9-401 Violations
- Sec. 9-403 Application for license; payment of fee; issuance of decal, etc.
- Sec. 9-404 License fees – Amounts
- Sec. 9-405 License fees – Prorating
- Sec. 9-406 License fees – Refunds
- Sec. 9-407 License fees – Disposition
- Sec. 9-408 License not to be issued until all personal property taxes are paid
- Sec. 9-409 Duration
- Sec. 9-410 Display of license decal, etc.
- Sec. 9-411 Transfer of license decal, etc.
- Sec. 9-412 Duplicate license decal, etc.

CHAPTER 9. MOTOR VEHICLES AND TRAFFIC

ARTICLE IV. COUNTY VEHICLE LICENSES

Sec. 9-400 Vehicle license tax imposed.

There is hereby levied a license tax upon every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county, except as otherwise specifically provided in this article.

(Code 1967, § 12-90; Ord. of 2-14-90; Code 1988, § 12-21; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-401 Violations.

It shall be unlawful to fail to obtain and display a valid local decal, as required by this article. Law enforcement officers may issue citations, summonses, warrants, parking tickets or uniform traffic summonses for violations. A violation of this article may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license tax has been paid. The procedure for enforcement of section 9-410 and penalties for violation thereof shall be as provided in section 9-118, except that fines as provided in section 9-118(f) shall be as follows:

If paid within ninety-six (96) hours.....\$25.00

If paid after ninety-six (96) hours.....\$50.00

(Ord. of 8-8-90; Ord. of 6-9-93; Code 1988, § 12-21.1; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-402 Exempted vehicles-Generally.

A. The provisions of this article shall not apply to any vehicle exempted by the provisions of Virginia Code §§ 46.2-663 through 46.2-683 or Virginia Code § 46.2-755, nor shall the provisions of this article apply to any vehicle licensed pursuant to Virginia Code §§ 46.2-750 through 46.2-751.

B. The provisions of this article shall not apply to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission for buses operated in special or chartered party service or to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission or the Interstate Commerce Commission, or under a local franchise granted by any city or town pursuant to Virginia Code § 46.2-696.

(Code 1967, § 12-91; Ord. of 2-14-90; Code 1988, § 12-22; Ord. 98-A(1), 8-5-98)

Sec. 9-403 Application for decal; payment of tax; issuance of decal, etc.

A. Every person owning a motor vehicle, trailer, or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county will be issued a permanent vehicle decal for that vehicle provided that:

1. The vehicle is licensed by the county on December 31, 2005; and
2. All local taxes specified in section 9-408 have been paid.

B. Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county and not issued a permanent vehicle decal for such vehicle pursuant to paragraph (A) above, shall make application for and procure a county motor vehicle decal for that vehicle. The application for the decal required by this article shall be made to the director of finance on forms providing for the name and address of the applicant and a description of the motor vehicle for which the decal is to be issued. The license tax shall be paid to the director of finance. Upon the payment of the license tax and of all local taxes specified in section 9-408, the director of finance shall issue to the applicant a permanent vehicle decal or other indicia of license for such motor vehicle.

C. The purchaser of a new vehicle or a new resident of the county is required to obtain a county decal within thirty (30) days of the purchase date or the date the owner moved into the county.

(Code 1967, § 12-92; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-24; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-404 License tax--Amounts.

A. On all motor vehicles, except as otherwise specifically provided in this article, there shall be an annual license tax based on gross vehicle weight. The license tax shall be twenty-five dollars (\$25.00) for vehicles with gross vehicle weights of four thousand (4,000) pounds or less and thirty (\$30.00) for gross weights in excess of four thousand (4,000) pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.

B. On every motorcycle there shall be an annual license tax of twenty dollars (\$20.00).

C. On every trailer or semitrailer not designed and used for transportation of passengers, there shall be an annual license tax as follows:

<u>Gross Weight</u>	<u>Annual Tax</u>
0 - 1,500 lbs.	\$ 9.50
1,501 lbs. and above	\$20.00

D. In the case of a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of such combination shall be taxed as a separate vehicle.

E. On every motor vehicle, trailer or semitrailer upon which well-drilling machinery is attached or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B), there shall be an annual license tax of sixteen dollars and fifty cents (\$16.50).

F. Except as provided in section 9-403(B), the license tax prescribed herein shall be due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1/1/06)

State law reference--Va. Code § 46.2-752.

Sec. 9-405 License tax--Prorating.

For new registrations only, the license tax prescribed by this article shall be prorated monthly commencing with the month in which such license tax first becomes due and payable. Renewals, timely or otherwise, of previously registered vehicles, trailers or semitrailers shall not be prorated. The license tax shall be collected from and include that month on the basis of one-twelfth of the annual license tax through each month remaining in the current license year. The prorated license tax shall be rounded to the nearest dollar. In no case, shall the amount of license tax collected be less than two dollars (\$2.00).

(Code 1967, § 12-94; 4-21-76; 6-7-89; Ord. of 3-20-91; Code 1988, § 12-26; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-406 License tax--Refunds.

Any person who has paid a license tax under this article who disposes of the vehicle, trailer or semitrailer for which the tax was paid and does not purchase another vehicle, trailer or semitrailer may surrender the permanent vehicle decal or other indicia of license to the director of finance and may request a prorated refund of the license tax paid. The request for refund shall be accompanied by the permanent vehicle decal or other evidence satisfactory to the director of finance that the original decal has been destroyed. The director of finance shall refund to the applicant one-twelfth (1/12) of the annual license tax for each full month remaining in the current license year. The refund shall be rounded to the nearest dollar. An amount of less than two dollars (\$2.00) shall not be refunded nor applied to any other fee, tax or amount due the County of Albemarle.

(Code 1967, § 12-95; 4-21-76; 6-7-89; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-27; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-407 License tax--Disposition.

All license taxes collected pursuant to this article shall be deposited by the director of finance in the general fund of the county.

(Code 1967; § 12-96; 4-21-76; Ord. of 2-14-90; Code 1988, § 12-28; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-408 Decal not to be issued until all personal property taxes are paid.

No motor vehicle, trailer or semitrailer taxable under the provisions of this article shall receive a permanent vehicle decal unless and until the applicant for such decal shall have produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer or semitrailer to be licensed which have been assessed or are assessable against such applicant have been paid, and satisfactory evidence that any other delinquent manufactured home, motor vehicle, trailer or semitrailer personal property taxes owing by the applicant and which have been properly assessed or are assessable against the applicant have been paid.

(Code 1967, 12-97; 4-9-80; Ord. of 8-8-90; Code 1988, § 12-29; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-409 Duration.

The license tax year under the terms of this article shall commence on the first day of January and shall expire on the thirty-first day of December of the calendar year. The permanent decal shall be valid as long as (1) the vehicle is normally garaged, stored, or parked in the county and owned by the licensee, and (2) all license taxes assessed against the vehicle owner pursuant to this article have been paid.

(Code 1967, § 12-98; Ords. (2) of 2-14-90; Code 1988, § 12-30; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-410 Display of license decal, etc.

Decals or other stickers issued pursuant to this article shall be displayed on the vehicle in accordance with state law and regulation. A decal may not be attached to any motor vehicle, trailer or semitrailer for which it has not been assigned.

(Code 1967, § 12-99; Ord. of 2-14-90; Code 1988, § 12-31; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-411 Decal for replacement vehicle.

Any owner who sells or transfers a registered motor vehicle, trailer or semitrailer, previously registered under the provisions of this article and acquires another vehicle of like class and weight may purchase a permanent vehicle decal for such replacement vehicle upon application to the director of finance on forms prescribed by the director of finance. The prior decal, or evidence satisfactory to the director of finance that the prior decal has been destroyed, must be returned with the application. The fee for a permanent vehicle decal for a replacement vehicle shall be two dollars (\$2.00).

(Code 1967, § 12-100; 4-9-80; 6-7-89; Ord. of 2-14-90; Code 1988, § 12-32; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

Sec. 9-412 Duplicate license decal, etc.

In the event that any decal issued under this article shall be lost, stolen, mutilated or otherwise become illegible, the owner of the vehicle, trailer or semitrailer shall make immediate application on forms prescribed by the director of finance and obtain a duplicate or substitute decal. The fee for a duplicate decal shall be two dollars (\$2.00).

(Code 1967, § 12-101; 6-7-89; Ord. of 2-14-90; Code 1988, § 12-33; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1/1/06)

This ordinance shall be effective on and after January 1, 2006.

ORDINANCE NO. 05-15(4)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE VII, REAL ESTATE EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article VII, Real Estate Exemption for Certain Elderly and Disabled Persons, is hereby amended and reordained as follows:

By Amending:

Sec. 15-702 Definitions

CHAPTER 15. TAXATION

ARTICLE VII. REAL ESTATE EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS

Sec. 15-702 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

(1) *Dwelling*. The term “dwelling” means a building occupied as a residence.

(2) *Income*. The term “income” means the total gross income from all sources comprising the amount of money received on a regular basis which is available to meet expenses, regardless of whether a tax return is actually filed, the money is taxable or deductible from the taxpayer’s income tax return.

(a) Income shall include: (i) retirement payments, including the portion that represents the contribution of the retiree; (ii) nontaxable social security retirement benefits; (iii) disability payments; and (iv) rental income.

(b) Income shall not include: (i) life insurance benefits; (ii) receipts from borrowing or other debt; and (iii) social security taxes taken out of the pay of a retiree.

(c) The income of a self-employed person received from the business shall be the gross income of the business, less the expenses of the business.

(3) *Manufactured home*. The term “manufactured home” means a structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(4) *Net combined financial worth*. The term “net combined financial worth” means the net present value of all assets, including equitable interests, and liabilities of (i) the owners, (ii) the spouse of any owner, and (iii) the owner’s relatives living in the dwelling. The term “net combined financial worth” shall not include: (i) the value of the dwelling and the land, not exceeding five acres, upon which it is situated; (ii) the value of furniture, household appliances and other items typically used in a home; and (iii) the outstanding balance of any mortgage on the subject property, except to the extent that the subject property is counted as an asset.

(5) *Owning title or partial title.* The term “owning title or partial title” means owning the usufruct, control or occupation of the real estate, whether the interest therein is in absolute fee or is in an estate less than a fee, such as the holding of a life estate.

(6) *Permanently and totally disabled person.* The term “permanently and totally disabled person” means a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death, or can be expected to last for the duration of such person's life.

(7) *Real estate.* The term “real estate” includes manufactured homes.

(8) *Relative.* The term “relative” means any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the owner.

(9) *Taxable year.* The term “taxable year” means the calendar year for which the exemption is claimed.

(10) *Total combined income.* The term “total combined income” means the income received from all sources during the preceding calendar year by the owners of the dwelling who use it as their principal residence and by the owners’ relatives who live in the dwelling. The following amounts shall be excluded from the calculation of total combined income:

(a) The first sixty-five hundred dollars (\$6500.00) of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption provided by subdivision 9 c hereof.

(b) The first seventy-five hundred dollars (\$7500.00) of income for an owner who is permanently disabled.

(c) If a person otherwise qualifies for the exemption and if the person can prove by clear and convincing evidence that the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does move in for that purpose, then none of the income of the relative or of the relative’s spouse shall be counted towards the income limit, provided that the owner of the dwelling has not transferred assets in excess of five thousand dollars (\$5,000.00) without adequate considerations within a three (3) year period prior to or after the relative moves into the dwelling.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-23; Ord. 98-A(1), 8-5-98; Ord. 03-15(2), 11-5-03; Ord. 05-15(4), 12-7-05, effective 1/1/06)

State law reference--Va. Code §§ 36-85.3, 58.1-3210, 58.1-3211, 58.1-3217.

This ordinance shall be effective on and after January 1, 2006.

ORDINANCE NO. 05-9(1)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, IN GENERAL, 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 9, Motor Vehicles and Traffic, Article I, In General, is hereby amended and reordained as follows:

By Amending:

Sec. 9-114 Removal and disposition of abandoned or unattended vehicles

CHAPTER 9. MOTOR VEHICLES AND TRAFFIC

ARTICLE I. IN GENERAL

Sec. 9-114 Removal and disposition of abandoned or unattended vehicles.

A. As used in this section, "*abandoned motor vehicle*" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is inoperable and is left unattended on public property for more than forty-eight hours; or
2. Has remained illegally on public property for more than forty-eight hours; or
3. Lacks either a current license plate, current county sticker or current state inspection sticker and it has been in a specific location for four days or more without being moved.

B. As used in this section an "unattended vehicle" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is illegally parked and the owner or operator is not present; or
2. Is stopped on a public highway or other public property, constitutes a traffic hazard and the owner or operator is not present; or
3. Is stopped on a public highway or other public property or private property without the consent of the property owner, lessee or occupant and the vehicle has been in such location for more than ten (10) days without being attended by the owner or operator; or
4. Is immobilized on a public roadway by weather conditions or other emergency situation.

C. An abandoned or unattended vehicle may be removed for safekeeping or other authorized purposes to a storage area.

D. Removal of abandoned or unattended vehicles under this section shall be carried out by or under the direction of police officers or other uniformed law enforcement personnel designated by the chief of police. Vehicles removed under the authority of this section shall be taken to storage area(s) for safekeeping or other authorized purposes.

E. Abandoned or unattended vehicles left on private property may be removed or caused to be removed by or under the direction of police officers or other uniformed law enforcement personnel designated by the chief of police, but only at the written request of the property owner, lessee or occupant of the premises. The property owner, lessee or occupant of the premises must provide in writing for the

indemnification of the county against any loss or expense incurred by reason of removal, storage or sale of the abandoned or unattended vehicle.

F. As soon as possible after removal has occurred under paragraph (C), the police department must notify the owner of the vehicle of the vehicle's location and the procedure for the owner to recover the vehicle.

G. After authorized removal has occurred, disposal of a motor vehicle, trailer, semitrailer or part thereof may occur under the provisions of this section after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Virginia Department of Motor Vehicles (DMV) against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least sixty (60) days. The DMV shall be notified of the disposition of any motor vehicle, trailer, or semitrailer under the provisions of this section.

H. In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property under this section, when it cannot be readily sold, the motor vehicle, trailer, semitrailer, or part thereof may be disposed of in accordance with law and pursuant to procedures adopted by the county.

(Code 1988, § 12-6.4; Ord. 98-A(1), 8-5-98; Ord. 05-9(1), 12-7-05)

State law reference--Authority, Va. Code §§ 46.2-1200, 46.2-1213.

ORDINANCE NO. 05-4(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL, ARTICLE II, DOGS AND OTHER ANIMALS, AND ARTICLE III, LICENSES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 4, Animals and Fowl, Article II, Dogs and Other Animals, Division 2, Running At Large, and Article III, Licenses, is hereby amended and reordained as follows:

By Amending:

Section 4-213 In certain areas

Section 4-315 Penalties for violation of sections 4-312 and 4-314.

CHAPTER 4. ANIMALS AND FOWL

ARTICLE II. DOGS AND OTHER ANIMALS

DIVISION 2. RUNNING AT LARGE

Sec. 4-213 In certain areas.

A. It shall be unlawful for the owner of any dog to permit such dog to run at large at any time within the following designated areas of the county:

B. For the purposes of this section, a dog shall be deemed to be running at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large shall be deemed to have violated the provisions of this section, and, upon conviction, shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00). It shall be the duty of the animal control officer to enforce the provisions of this section.

(7-19-73; 8-22-73; 9-26-73; 11-15-73; 12-19-73; 1-3-74; 1-23-74; 3-24-77; 5-22-74; 10-9-74, 1-22-75; 3-10-76; 4-21-76; 12-7-77; 5-22-78; 6-21-78; 10-7-81; 5-21-86; 5-13-87; 9-16-87; 11-4-87; 12-16-87; 9-8-88; Ord of 1-17-90; Ord. of 8-8-90; Ord. No. 94-4(2), 8-17-94; Ord. No. 94-4(3), 12-7-94; Ord. No. 95-4(1), 1-4-95; Ord. No. 95-4(2), 9-6-95; Code 1988, § 4-19; Ord. 98-A(1), 8-5-98; Ord. 98-4(1), 12-2-98; Ord. 00-4(1), 5-3-00; Ord. 03-4(2), 3-5-03; Ord. 04-4(1), 5-12-04; 05-4(1), 12-7-05)

State law reference--Authority of county to adopt this section, Va. Code § 3.1-796.93; Violation is Class 4 misdemeanor, Va. Code § 3.1-796.128; Punishment for conviction of Class 4 misdemeanor, Va. Code § 18.2-11.

ARTICLE III. LICENSES

Sec. 4-312 License tags--Collar and tag to be worn by dog; exceptions.

It shall be unlawful for the owner to permit any licensed dog four (4) months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section (i) when the dog is engaged in lawful hunting, (ii) when the dog is competing in a dog show, (iii) when the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) when the dog is confined, or (v) when the dog is under the immediate control of its owner.

(Code 1967, § 4-29; 4-13-88; 9-13-89; Code 1988, § 4-32; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 3.1-796.92.

* * * * *

Sec. 4-314 License tags--Kennels.

The license tag for a kennel shall show the number of dogs authorized to be kept under such license, and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag. The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this article.

(Code 1967, § 4-31; 4-13-88; Code 1988, § 4-34; Ord. 98-A(1), 8-5-98)

Sec. 4-315 Penalties for violation of sections 4-312 and 4-314.

The owner of any dog found running at large at any time of the year in violation of either section 4-312 or section 4-314, upon conviction, shall be guilty of a Class 4 misdemeanor and punished by a fine of not more than two hundred fifty dollars (\$250.00).

(Code 1967, § 4-32; 4-13-88; Code 1988, § 4-35; Ord. 98-A(1), 8-5-98; 05-4(1), 12-7-05)

State law reference-- Violation is Class 4 misdemeanor, Va. Code § 3.1-796.128; Punishment for conviction of Class 4 misdemeanor, Va. Code § 18.2-11.

SP-2005-011. Rio East Commercial Area (Signs #45,49). Request for minor amendment to SUP to allow slightly larger veterinary office & hospital than what was shown on the "sketch" plan that was part of the previously approved SP-2003-58 in accord w/Sec 25A.2.2 of the Zoning Ord which allows for uses by SUP in C-1, CO & HC districts, which veterinary office & hospital is one of those uses. TM 61 P 124A, contains approx 2.137 acs. Znd PDMC. Loc on Rio East Ct (private), approx .1 mls from intersec of Rio East Ct & Rio Rd East (Rt 631). Rio Dist.

1. A site plan shall be submitted for approval that shall be in general accord with the sketch plan prepared by Keeney & Co., Architects dated August 29, 2005, revised October 13, 2005;
2. The sketch plan shows the building to be seven thousand five hundred (7,500) square feet. Any additional square footage of the veterinary office and hospital use will require an amendment to this Special Use Permit (SP-2005-00011);
3. No overnight boarding use other than for those animals under medical care shall take place at the veterinary hospital;
4. The outside area for walking of animals shall be separated from access by the public by fencing; and
5. The building shall be sound-proofed and air-conditioned.

SP-2005-021. American Spirit Institute (Sign #75). Request to allow use of private school in accord w/Sec 23.2.2.6 of the Zoning Ord which allows private schools in CO. TM 61 P 27, contains approx 0.835 ac. Znd EC. Loc at 2776 Hydraulic Road, near corner of Hydraulic Rd & Whitewood across from Albemarle High School. Jack Jouett Dist.

1. The number of students in any class offered between 7:00 am and 5:00 pm shall not exceed 3 students.

ZMA-2004-011. Charlottesville Power Equipment (Sign #37). Request to rezone approx 2.142 acs from C-1 (Commercial) to HC (Highway Commercial) to allow 12,000 square feet of commercial space in two buildings with proffered plan. The proposal also includes requests for special use permits for fill in the floodplain & for outdoor sales & display in an Entrance Corridor (see SP-2004-36 & SP-2004-37 below). TM 78, Ps 4A1 & 4B, is located in the Rivanna Magisterial District on the northwest corner of intersec of Rt 20 & Rt 250 East behind McDonald's Restaurant. The Comprehensive Plan designates these lands as regional service in the Neighborhood Three (Pantops) Development Area. General usage for regional service is regional-scale retail & service, wholesale, office, lodging & conference, employment center, & residential (6 - 34 units/acre). General usage within the C-1 commercial zoning district permits retail sales, service, public use & residential by special use permit (15 units/acre). General usage within the HC zoning district permits commercial & service uses & residential use by special use permit (15 units/acre).

PROFFER FORM

Date: 11/30/2005
 ZMA # 2004-011
 Tax Map and Parcel Number(s) TMP 78-4B and TMP 78-4A1

2.142 Acres to be rezoned from C-1 to HC

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning 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.

1. The development on TMP 78-4B and TMP 78-4A1 shall be in general accord with the plan produced by Terra Partners, LLC, dated October 19, 2004, last revised October 10, 2005, entitled "Williams Property", herein referred to as the plan.
2. Permitted by right uses of the property shall be only those two use classifications identified in the following sections of the Albemarle County Zoning Ordinance in effect on July 13, 2005, a copy of which is attached hereto:
 1. Sec. 18-24.2.1(22) Machinery and equipment sales, service and rental.
 2. Sec. 18-24.2.1(41) Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.

This proffer shall not be construed so as to prohibit any use permitted by special use permit authorized by Albemarle County Zoning Ordinance § 24.2.2.

3. No building permit shall be issued unless and until the Director of Planning, or his assigns, determines that those building facades that are not governed by a certificate of appropriateness issued by the Albemarle County Architectural Review Board are in general accord with the building elevations prepared by C.W. Hurt Contractors, dated December 28, 2004, entitled "C'ville Power Equipment," (the "building elevations") attached hereto. The facades shall be determined to be in general accord if the form, massing, character and detailing conform in all material respects to the building elevations.
4. In the area shown as 'Evergreen Screen' on the Landscape Plan, prepared by Terra Partners and dated November 30, 2005, the owner shall install and maintain landscaping pursuant to Section 32.7.9.8. The landscaping shall be of a quantity, size and variety of species that screens the development and parking on TMP 78-4B from Free Bridge Lane and the RA District on the opposite side of Free Bridge Lane, as determined by the Director of Planning in consultation with the Albemarle County Design Planner. This landscaping shall be shown on the site plan for the development on TMP 78-4B and be installed in conjunction with the improvements for TMP 78-4B.

(Signed) Charles Wm. Hurt
Signatures of All Owners

Charles Wm. Hurt
Printed Names of All Owners

11-30-2005
Date

SP-2004-036. Charlottesville Power Equipment (Sign #37). Request to allow fill in the floodplain in accord w/Sec 30.3.05.2.2(3) of the Zoning Ord which allows for filling of land. See concurrent requests, ZMA-04-11 & SP-04-37.

1. A letter of map amendment must be obtained from FEMA; and
2. Copies of state and federal permits (DEQ, Army Corps of Engineers) must be provided.
3. Upon request, the owner shall dedicate to the County the portion of the property within the 100' stream buffer deemed necessary by the County for a greenway trail and the area designated on the plan produced by Terra Partners, LLC, dated October 19, 2004, last revised October 10, 2005, entitled "Williams Property" as the "resting station with benches".

SP-2004-037. Charlottesville Power Equipment (Sign #37). Request to allow outdoor sales & display associated with permitted uses, which would be visible from an Entrance Corridor Street in accord w/Sec 30.6.3.2(b) of the Zoning Ord. See concurrent requests, ZMA-04-11 & SP-04-36.

1. Site lighting shall be limited to the satisfaction of the ARB, as illustrated in the ARB-approved lighting plan, dated October 12, 2005, and prepared by Terra Partners, LLC;
2. The storage yard fence shall be of material, character, and design that are coordinated with the building, as approved by the ARB;
3. Regarding items for storage/display:
 - a. Equipment shall be stored/displayed only in areas indicated for storage/display on the

- “Display Area Exhibit” plan dated October 12, 2005;
- b. Items located in the storage lot on the north side of the building shall not exceed ten (10) feet in height;
 - c. Items located in the storage/display areas under the two easternmost awnings on the south side of the building shall be limited to small lawn mowers, rototillers, and other similarly sized items. Items on display shall not extend into sidewalk, landscape, or parking areas;
 - d. Items located under the tower shall be fully contained within the structure of the roofed tower, as shown on the architectural elevation drawing sheet A3 (East/front Elevation) and A5 (South Elevation), dated December 28, 2004; and
 - e. Items for sale/storage/display shall not be elevated anywhere on the site.
4. Retaining wall materials are subject to ARB approval and shall be indicated on the ARB-approved site development plan.