At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 10, 2016, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice Chairman; James K. White; and James P. Crozier. Absent: R. Mark Johnson. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the agenda, as modified. Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: BUSINESS SPOTLIGHT

Ms. Tamika Walker, Owner of Platinum Elite Beauty Supply, appeared before the Board to spotlight her business. She explained that she was located in the Town of Orange and offered an array of health and beauty supplies. Ms. Walker added that she hoped to be opening a salon on-site in the coming months and looked forward to continuing to provide supplies to her local business partners as well.

The Board thanked Ms. Walker for her presentation.

RE: CONSENT AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the Consent Agenda, as presented.

RE: FY16 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30045004-35975	Forfeited Assets - DCJS	(3,987.45)	(2,638.00)	(6,625.45)
43120006-46800	Forfeited Asset Expenses	8,329.31	2,638.00	10,967.31
49140001-45920	Reserve - FY17 CVRJ	169,607.00	(9,582.00)	160,025.00
43320001-46900	Central Va. Regional Jail	1,293,807.00	9,582.00	1,303,389.00
49400000-48005	Capital Proj. Development	677,082.73	(29,500.00)	647,582.73
49400012-48090 C1034	Public Safety Fac. Const.	29,500.00	29,500.00	59,000.00
30045004-35975	Forfeited Assets - DCJS	(3,987.45)	(508.20)	(4,495.65)
43120006-46800	Forfeited Asset Expenses	8,329.31	508.20	8,837.51
30030006-33500	Donations - Animal Shelter	(40,285.16)	(1,483.00)	(41,768.16)
43520003-43115	Prof. Serv. – Emer. Vet	37,121.16	1,483.00	38,604.16
30045040-36050	Fire Programs	(81,882.00)	(4,886.00)	(86,768.00)
43250001-45500	Training Expenses	72,883.00	4,886.00	77,769.00
41211001-41500	Wages - Bonus	0.00	10,000.00	10,000.00
41211001-42100	FICA & Medicare	17,469.00	765.00	18,234.00
49140001-45900	Contingency	167,813.58	(10,765.00)	157,048.58

41211001-41111	Wages - Regular	277,682.00	2,808.00	280,490.00
41211001-42820	Housing Allowance	12,000.00	(2,808.00)	9,192.00
TOTALS		**$ (2,641,482.03)**	**$ 0.00**	**$ (2,641,482.03)**

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- April 26, 2016 Worksession
- April 26, 2016 Regular Meeting

RE: RESOLUTION OF APPRECIATION FOR WINSTON L. SIDES

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

A RESOLUTION OF APPRECIATION FOR
Winston L. Sides

WHEREAS, Winston L. Sides has passionately and faithfully served on the Economic Development Authority, formerly known as the Industrial Development Authority, for the County of Orange, Virginia, since June 22, 1999, representing the residents of District 5; and

WHEREAS, during his tenure, Winston L. Sides enthusiastically served as the Chairman of the Economic Development Authority from January 19, 2012, until his resignation on May 10, 2016; and

WHEREAS, Winston L. Sides willingly volunteered countless hours over the past seventeen years, supporting programs and initiatives that encouraged the expansion and establishment of business and entrepreneurship in the County of Orange, Virginia, as well as in the Thomas E. Lee Industrial Park; and

WHEREAS, Winston L. Sides also served on the Germanna-Wilderness Area Plan Steering Committee since its inaugural meeting on October 24, 2013, where he was a key player and active participant; and

WHEREAS, Winston L. Sides played an integral part of the planning, development, and implementation of the Germanna-Wilderness Area Plan; and

WHEREAS, Winston L. Sides' expertise, knowledge, and insight have served the Economic Development Authority and the citizens of Orange County well throughout his many years of service and will be an asset surely missed;

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of May, 2016, that the Orange County Board of Supervisors hereby extends its appreciation, gratitude, and admiration to Winston L. Sides for his commitment and dedication in his roles on the Economic Development Authority and the Germanna-Wilderness Area Plan Steering Committee for the County of Orange, Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby wish Winston Sides and his family continued success, happiness, and good health in the years to come.

RE: NEW BUSINESS

RE: AWARD OF THE CONTRACT FOR ENVIRONMENTAL ENGINEERING AND CONSULTING SERVICES

Stephanie Straub, Financial Management Specialist, explained that a solicitation had been released requesting proposals from qualified firms to establish a contract to provide professional environmental engineering services. She noted that three qualified responses were received.

Ms. Straub indicated that after reviewing the proposals, staff ranked the offerors and conducted interviews with the top ranked firms in April. Overall, staff felt that Joyce Engineering was capable of providing consistent, high-quality professional services, appropriately scaled to meet the County's needs.

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board authorized staff to enter into contracts with Joyce Engineering for professional environmental engineering and consulting services for a term of one (1) year, with the possibility of four (4) additional one (1) year renewals.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: OLD BUSINESS

RE: TRASH AND DEBRIS ORDINANCE

Thomas Lacheney, County Attorney, presented revised language to the Board regarding the trash and debris ordinance. He explained that the Board had two Public Hearings on the matter and had further discussed and refined the language at a previous worksession.

R. Bryan David, County Administrator, also presented a draft administrative policy to the Board, which defined the process for addressing complaints received in response to the ordinance.

Discussion ensued among the Board regarding: examples of those who use compost piles; furniture and appliances on front porches; issues with tire piles; adding a reference in the ordinance language that mentions the administrative policy; and other desired changes to the draft ordinance language.

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL), SECTION 50 (SOLID WASTE), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING TRASH AND DEBRIS

WHEREAS, the Board of Supervisors previously initiated action on amendments to Article I (In General), Section 50 (Solid Waste), of the Orange County Code of Ordinances concerning trash and debris; and

WHEREAS, the County Attorney drafted recommended language for the text amendments, which was presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors conducted duly advertised Public Hearings on March 8, 2016, and April 12, 2016, to receive public comment; and

WHEREAS, following discussion at the Public Hearings, and discussion and refinement at additional worksessions, the Board of Supervisors hereby supports the proposed text amendments, as modified during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 10th day of May, 2016, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General), Section 50 (Solid Waste), of the Orange County Code of Ordinances concerning trash and debris, as modified and shown below.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

Adopted Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 160510 – 6A
by the Orange County Board of Supervisors
on May 10, 2016

Article I – In General

Sec. 50-10. – Unlawful conditions of trash, garbage, refuse, litter, and other substances generally.

(a) No owner of any lot or parcel of land within the county shall permit to remain on the lot or parcel, any Household Garbage or any furniture, appliances, or other substances that are ordinarily and customarily located in the interior of a dwelling, which are visible from the road or any adjoining lot, and are reasonably liable to endanger the health of any person or injuriously affect public health or safety.

(b) Household Garbage shall be stored in receptacles designed for that purpose, and shall be disposed of in authorized facilities provided for such purpose, and in no other manner not authorized by law.

Sec. 50-11. – Enforcement; liens.

(a) The county administrator shall develop, implement, and maintain an administrative policy for the enforcement of this chapter. Whenever the county administrator (or his designee) determines that any such unlawful conditions exist, he shall notify the property owner of record of such determination by certified mail, return receipt requested, sent to the address listed in the real estate tax records, requiring such property owner to correct the condition. If the condition is not substantially corrected within ten (10) days after receipt of such notice, and if the county administrator (or his designee) determines in his sole discretion that no good faith effort is being made to correct the condition, then the county administrator (or his designee) may order such condition to be corrected, either by county forces or by a private contractor. The actual cost, together with an administrative handling charge of $50.00, shall be billed to the property owner and, if not paid, shall be added to and collected in the same manner as the real estate tax on such property. The county administrator (or his designee) shall certify the costs and expenses to the treasurer of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of sixty (60) days, then the treasurer shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses on file in the records of his office.

(b) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Article 3 (§58.1-3940 et seq.) and Article 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, as amended. The county may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Sec. 50-12. – Penalties.

(a) Violations of this article shall be subject to a civil penalty of $50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be $200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of $3,000.00 in a 12-month period.

(b) Such violations shall be a Class 3 misdemeanor in the event three (3) civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

State Law Reference - Authorized by Code of Virginia §15.2-901.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: UPDATE FROM SOLID WASTE SUBCOMMITTEE REGARDING LANDFILL DECALS

Kurt Hildebrand, Public Works Director, provided a report from the most recent Solid Waste Subcommittee meeting. He explained that the Subcommittee had met regarding the enforcement of Landfill / Trash decals on vehicles in order to be permitted to use the Landfill and Collection Centers. Mr. Hildebrand added that enforcement efforts had been increased, and he was seeking input on the installation of new signage and a reminder in the local newspapers in order to provide additional notice to the public.

Discussion ensued among the Board regarding: whether or not the rules and regulations regarding the use of decals should be included in the County's Code of Ordinances; making the decals easier to obtain; and other ways of verification.

By consensus, the Board requested that staff come back at the May 24, 2016 Regular Meeting in order to further discuss codifying the Landfill / trash decal resolution that was previously adopted by the Board on September 22, 2009.

RE: COUNTY ATTORNEY'S REPORT

RE: AMENDMENT TO THE TAXATION ORDINANCE REGARDING THE ANNUAL REQUIREMENTS FOR PERSONAL PROPERTY TAX RETURNS

Thomas Lacheney, County Attorney, indicated that the Commissioner of the Revenue had requested an amendment to the Code of Ordinances to eliminate the requirement to send a personal property tax return form each year. He added that the Commissioner felt this was an expensive and time consuming process. Mr. Lacheney presented an amendment to the Board that would eliminate the need to send a return form each year when a taxpayer's property ownership had not changed.

Discussion ensued among the Board regarding: reporting the disposal of a vehicle; reporting the sale of a vehicle; use of the records from the DMV database; providing adequate notice to citizens through local newspapers; and sending notice of the proposed change in this years' tax return forms.

By consensus, the Board requested that staff come back at the May 24, 2016 Regular Meeting in order to further discuss the proposed changes to the Taxation Ordinance regarding personal property tax returns, and to provide an opportunity for the Board to ask the Commissioner of the Revenue questions and better understand the process.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: REQUEST FOR VARIOUS SPEED STUDIES

RE: ROUTE 696 (TYSONS CENTER ROAD)

Alyson Simpson, Chief Deputy Clerk, explained that an email had recently been received from a concerned citizen regarding the speed of travelers on Route 696 (Tysons Center Road) and the safety of children living on the road. She provided a copy of the email to the Board.

Ms. Simpson noted that the road was currently unposted, making the statutory speed limit 55 mph. She added that the citizen was requesting that VDOT perform a speed study on the road and present the findings to the Board.

On the motion of Mr. White, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the following resolution, to be forwarded to the Warrenton Residency Office for completion, with the understanding that concluding recommendations and findings would be subsequently presented to the Board:

RESOLUTION REQUESTING VDOT TO CONDUCT A SPEED STUDY ON ROUTE 696 (TYSONS CENTER ROAD) IN ORANGE COUNTY, VIRGINIA

WHEREAS, it is the intention of the Orange County Board of Supervisors to protect the health, safety, and welfare of all its citizens; and

WHEREAS, the Board of Supervisors has received a request from a concerned citizen for a speed study on Route 696, Tysons Center Road, as travelers appear to be using speeds in excess of the current road conditions; and

WHEREAS, the Board feels that posting the appropriate speed signage would significantly improve the safety on this roadway;

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of May, 2016, that the Orange County Board of Supervisors hereby requests that the Virginia Department of Transportation conduct a speed study on Route 696, Tysons Center Road, in Orange County, Virginia.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: ROUTE 660 (OLD LAWYERS ROAD)

Alyson Simpson, Chief Deputy Clerk, explained that a letter had recently been received from a concerned citizen regarding the speed of travelers on Route 660 (Old Lawyers Road) and the bus traffic and deteriorating condition of the road. She provided a copy of the letter to the Board.

Ms. Simpson noted that the road was currently unposted, making the statutory speed limit 55 mph. She added that the citizen was requesting that VDOT perform a speed study on the road and present the findings to the Board.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the following resolution, to be forwarded to the Warrenton Residency Office for completion, with the understanding that concluding recommendations and findings would be subsequently presented to the Board:

RESOLUTION REQUESTING VDOT TO CONDUCT A SPEED STUDY ON ROUTE 660 (OLD LAWYERS ROAD) IN ORANGE COUNTY, VIRGINIA

WHEREAS, it is the intention of the Orange County Board of Supervisors to protect the health, safety, and welfare of all its citizens; and

WHEREAS, the Board of Supervisors has received a request from a concerned citizen for a speed study on Route 660, Old Lawyers Road, as travelers appear to be using speeds in excess of the current road conditions; and

WHEREAS, the Board feels that posting the appropriate speed signage would significantly improve the safety on this roadway;

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of May, 2016, that the Orange County Board of Supervisors hereby requests that the Virginia Department of

Transportation conduct a speed study on Route 660, Old Lawyers Road, in Orange County, Virginia.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: ROUTE 614 (GOVERNOR ALMOND ROAD) TO ROUTE 20

Alyson Simpson, Chief Deputy Clerk, explained that an email had recently been received from a concerned citizen regarding the speed of travelers on Route 614 (Governor Almond Road). She provided a copy of the email to the Board.

Ms. Simpson noted that the road was currently unposted, making the statutory speed limit 55 mph. She added that the citizen was requesting that VDOT perform a speed study on the road and present the findings to the Board.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the following resolution, to be forwarded to the Warrenton Residency Office for completion, with the understanding that concluding recommendations and findings would be subsequently presented to the Board:

RESOLUTION REQUESTING VDOT TO CONDUCT A SPEED STUDY ON ROUTE 614 (GOVERNOR ALMOND ROAD) IN ORANGE COUNTY, VIRGINIA

WHEREAS, it is the intention of the Orange County Board of Supervisors to protect the health, safety, and welfare of all its citizens; and

WHEREAS, the Board of Supervisors has received a request from a concerned citizen for a speed study on Route 614, Governor Almond Road, as travelers appear to be using speeds in excess of the current road conditions; and

WHEREAS, the Board feels that posting the appropriate speed signage would significantly improve the safety on this roadway;

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of May, 2016, that the Orange County Board of Supervisors hereby requests that the Virginia Department of Transportation conduct a speed study on Route 614, Governor Almond Road, in Orange County, Virginia.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: BOARD COMMENT

Supervisor White explained that there was a section of the Orange County Subdivision Ordinance that required an amendment as the regulations for hydrogeological testing was costly and unnecessary for certain sized subdivisions. He requested that the Board consider scheduling the Public Hearing at the next meeting since the amendment did not require Planning Commission action.

By consensus, the Board authorized staff to advertise for and schedule a public hearing for amendments to the Subdivision Ordinance regarding hydrogeological testing on Tuesday, May 24, 2016.

RE: INFORMATIONAL ITEMS

There were no Informational Items at this time.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar for the months of May 2016, June 2016, and July 2016.

RE: CLOSED MEETING

At 6:01 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desired to discuss in Closed Meeting the following matter:

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. - *§2.2-3711(A)(7) of the Code of Virginia*

WHEREAS, pursuant to §2.2-3711 (A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County hereby authorized discussion of the aforestated matters in Closed Meeting.

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the resolution authorizing Closed Meeting as presented. Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: CERTIFICATION OF CLOSED MEETING

At 7:01 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County hereby certified that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: PUBLIC COMMENT

At 7:01 p.m., Chairman Frame opened the floor for public comment.

There being no speakers, public comment was closed at 7:01 p.m.

RE: PUBLIC HEARING #1: PROPOSED SECONDARY SIX-YEAR PLAN

Alyson Simpson, Chief Deputy Clerk, presented the draft Secondary Six-Year Plan to the Board for its consideration. She explained that since the worksession on April 12, 2016, the River Road project had been removed because the project was being completed with other funding; Flat Run Court and Rapidan Run Court had been added in order to utilize Rural Addition funding; and a portion of Old Office Road had been added as it was already included on the Auxiliary List. Ms. Simpson indicated that the Plan appeared to be fully funded by January 1, 2018, as mandated.

At 7:04 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

PROPOSED SECONDARY SIX-YEAR PLAN

The Board of Supervisors, in accordance with Section 33.2-331 of the Code of Virginia, will conduct a joint

public hearing with the Virginia Department of Transportation to receive comment on the County's proposed Secondary Six-Year Plan (SSYP) for Fiscal Years 2017 through 2022, and on the Secondary System Construction Budget for Fiscal Year 2017. All projects in the SSYP that are eligible for Federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate Federal transportation funds.

There being no speakers, Chairman Frame closed the Public Hearing at 7:04 p.m.

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the following resolution, as presented:

RESOLUTION TO ADOPT THE SIX-YEAR PLAN FOR SECONDARY ROADS FOR FISCAL YEARS 2017 THROUGH 2022 AND THE SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2017

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a Public Hearing on the proposed Plan (for Fiscal Years 2017 through 2022 as well as the Secondary System Construction Budget for Fiscal Year 2017) on May 10, 2016, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, D. Mark Nesbit, Warrenton Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads for Fiscal Years 2017 through 2022 and the Secondary System Construction Budget for Fiscal Year 2017;

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of May, 2016, that since said Plan appears to be in the best interests of the Secondary Road System in Orange County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan for Fiscal Years 2017 through 2022 and the Secondary System Construction Budget for Fiscal Year 2017 are hereby approved as presented at the Public Hearing.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: NEW BUSINESS (Continued)

RE: ADOPTION OF THE AUXILIARY LIST FOR THE SECONDARY SIX-YEAR PLAN

Alyson Simpson, Chief Deputy Clerk, presented the Auxiliary List for the Secondary Six-Year Plan to the Board for its consideration. She explained that since a portion of Old Office Road had just been added to the Secondary Six-Year Plan, the adjustment would need to be made on the Auxiliary List. Ms. Simpson recommended that now would be an appropriate time to make any additional changes or additions to the List.

The Board did not have any additional changes to the List.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the Auxiliary List for Secondary Roads, as modified.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

RE: PUBLIC HEARING #2: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

Josh Frederick, Planning and Zoning Administrator, explained that the Board had previously prioritized several text amendments that had been presented for its consideration. He added that the

proposed amendment was one of those priorities, which was a rewrite of zoning permit, site plan, and application submittal requirements, as contained in Article II of the Zoning Ordinance. Mr. Frederick indicated that the goal of the amendment was to more clearly establish submittal, procedural, and administrative requirements for different types of development applications, remove ambiguity from dated language; codify existing practices; and address inconsistency with State Code and case law.

Discussion ensued among the Board regarding: the removal of the language requiring "any other information as may be required by the zoning administrator," which was listed in two separate sections; the change from responsibilities of the Board of Zoning Appeals back to the Board of Supervisors; and the need for changes to the proffers language in the future.

At 7:19 p.m., Chairman Frame called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

The Board of Supervisors will consider an amendment to Article II (Administration) of the Orange County Zoning Ordinance. This amendment rewrites most of the article, which pertains to the administration and interpretation of the Ordinance, as well as administrative and submittal procedures and criteria for zoning permits, site plans, special use permits, special exceptions, zoning map amendments, and zoning text amendments. Notable changes include: removal of special exception granting authority from the BZA; specification of when a zoning permit is required; the addition of criteria for zoning permit issuance; the concept of "minor site plans" is introduced for smaller scale commercial projects; the criteria for major site plans is revised; the criteria for special use permits is revised and application submittal requirements are codified; procedures and administrative practices for conditional zoning (i.e. rezonings with proffers) are revised and submittal requirements for these applications are also codified.

There being no speakers, Chairman Frame closed the Public Hearing at 7:19 p.m.

On the motion of Mr. White, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE II (ADMINISTRATION), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Article II (Administration), Section 70 (Zoning), of the Orange County Code of Ordinances; and

WHEREAS, the Planning and Zoning Director and County Attorney drafted recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on April 7, 2016; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on May 10, 2016, to consider the proposed text amendments; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as modified during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 10th day of May, 2016, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article II (Administration), Section 70 (Zoning), of the Orange County Code of Ordinances, as modified and shown below.

Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

Adopted Amendments to the Orange County Zoning Ordinance

As adopted in Ord. No. 160510 – PH2
by the Orange County Board of Supervisors
on May 10, 2016

Article II - Administration

DIVISION 1 - GENERALLY
Sec. 70-36. - ~~Enforcement.~~ Authority.
~~This chapter shall be enforced by the zoning administrator, who shall be appointed by the board of supervisors. The zoning administrator shall serve at the pleasure of that body.~~

(a) The authority of the zoning administrator shall be vested in the position of Planning Director unless otherwise appointed by the County Administrator. The zoning administrator shall have all necessary authority on behalf of the board of supervisors to administer and enforce the provisions of this chapter, including, but not limited to:
    1) Interpreting this chapter and the county's zoning maps and zoning district boundaries;
    2) Making determinations and decisions on matters arising from or related to the provisions of this chapter;
    3) Ordering in writing the correction of any violation of this chapter and taking all necessary steps, including bringing legal action, to ensure compliance;
    4) Administering and enforcing all conditions placed on any approved special use permit or special exception; and
    5) Administering and enforcing proffers accepted as part of any approved conditional zoning application.
(b) The zoning administrator may appoint other staff members to act on his/her behalf in order to assist with the administration of his/her duties.
(c) The specific authority expressly granted to the zoning administrator in other sections of this chapter shall not be construed to be a limitation on the authority of the zoning administrator to administer and enforce those sections where specific authority is not expressed.

(Ord. of 5-2-1996, § 1801)

Sec. 70-37. - Violations.

(a) All departments, officials or public employees of the county vested with the duty or authority to issue permits or licenses shall perform their duties in accordance with the provisions of this chapter. They shall issue permits for uses or buildings only when such permits conform to the provisions of this chapter. Any permits issued in conflict with the provisions of this chapter shall be null and void, unless a vested rights claim is substantiated in accordance with applicable provisions of the Code of Virginia. In such cases, the established use(s) and/or building(s) shall be considered a lawful nonconformity in accordance with Article III of this chapter.
(b) Upon receipt of a complaint pertaining to any alleged violation of this chapter, the zoning administrator or his/her appointee shall first verify the legitimacy of the complaint and then serve a written notice of violation to the person committing or permitting the violation(s). The notice shall specify the violation, necessary actions by which to abate the violation, a reasonable timeframe by which the abatement is to be completed, and any right-of-appeal notice required by the Code of Virginia. Should the violation(s) not be abated by the offending party within the timeframe specified by the zoning administrator or his/her designee, then the zoning administrator shall initiate such action as necessary to abate or remedy the violation(s).
(c) Any person to whom a notice of violation has been issued may file with the board of zoning appeals an application for administrative appeal pursuant to Sec. 70-68 of this chapter. In such cases, enforcement action shall continue only after the board of zoning appeals reaches a decision to deny the appeal. The determination of a violation shall be final and unappealable if not appealed

within thirty (30) days of the date of the notice of violation, pursuant to § 15.2-2311 of the Code of Virginia.

(Ord. of 5-2-1996, § 1802)

Sec. 70-38. - Penalties.

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than $10 nor more than $1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than $10 nor more than $1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than $100 nor more than $1,500.

(Ord. of 5-14-2013, - Ord. # 130514-PH2)

Sec. 70-39. - Interpretation of zoning district boundaries.

Unless zoning district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any zoning district as shown on the zoning map, the following rules shall apply.

(a) ~~(1)~~ Where zoning district boundaries are indicated as following property lines, such property lines shall be construed to be the zoning district boundaries.

(b) ~~(2)~~ Where zoning district boundaries are indicated as following or being parallel to or at right angles with the centerlines of streets, highways, alleys or railroad main tracks, such centerlines or lines parallel to or at right angles with such centerlines shall be construed to be such boundaries, as the case may be.

(c) ~~(3)~~ Where a zoning district boundary is indicated to follow a river, creek, branch or other body of water, the boundary shall be construed to follow the centerline at low water of such body of water. In the event of change of the centerline, such boundary shall be construed as moving with the actual centerline.

(d) ~~(4)~~ Where a zoning district boundary is indicated to follow the centerline of a public or private right-of-way, the zoning of such areas shall be construed to be the same as the abutting property up to said centerline.

(e) Whenever any public right-of-way is vacated or abandoned, the zoning district applicable to the property to which it is reverted shall apply to such vacated or abandoned right-of-way.

(f) If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the boundary shall be determined by the use of the scale shown on the zoning map. In case of subsequent dispute, the zoning administrator shall refer the matter ~~shall be referred~~ to the board of zoning appeals, which shall determine the boundary.

(Ord. of 5-2-1996, § 1804)

Sec. 70-40. - Conflicting ordinances, statutes and regulations.

Whenever any section or provision of this chapter imposes higher standards than are required in any other county ordinance or regulation, the provision of this chapter shall govern. Whenever any section or provision of any federal or state statute or other county ordinance or regulation imposes higher standards than are required by this chapter, the provision of such statute, ordinance or regulation shall govern.

(Ord. of 5-2-1996, § 1805)

Sec. 70-41. - Payment of all delinquent taxes and fees prior to filing application.

Prior to, or in conjunction with, the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the applicant shall be required to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property,

that are owed to the County and have been properly assessed against the subject property, have been paid, in accordance with § 15.2-2286(B) VA Code Ann.

(Ordinance 10-09-12).

Sec. 70-42. - Severability.
Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

Secs. 70-~~42~~43--70-60. - Reserved.

DIVISION 2. - BOARD OF ZONING APPEALS

Sec. 70-61. - Appointment and organization.
A board of zoning appeals (BZA) consisting of five members must be appointed by the circuit court in accordance with the provisions of Code of Virginia, § 15.2-2308. It shall have the powers set forth in Code of Virginia, § 15.2-2309. Any member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the circuit court after a hearing held after at least 15 days' notice.

(Ord. of 5-2-1996, § 1601.01; Ord. of 3-9-2010)

Sec. 70-62. - Rules and regulations.

(a) Meetings. The BZA shall adopt such rules and regulations as it deems necessary to carry out the duties imposed by this ordinance [Ordinance of 3-9-2010]. The meetings of the BZA will be held at the call of the chair or at such times as a quorum of its members may determine. All meetings of the BZA must be open to the public. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the BZA.

(b) Minutes. The BZA must appoint a secretary to the BZA, without vote, to prepare minutes of meetings, keep all records, and conduct official correspondence of the BZA. The BZA may elect as secretary either a member of the BZA or a qualified individual who is not a member of the BZA. If the secretary is not a member of the BZA, then the secretary is not entitled to vote on any matters before the BZA. In the absence of the secretary at any meeting, the BZA must appoint some other person, who may or may not be a member of the BZA, to prepare the minutes. The minutes must show the vote of each member upon each question, or indicate if any member is absent or fails to vote. All records of official actions become part of the permanent records of the BZA.

(c) Voting. The concurring vote of three members is necessary to reverse or modify any order, requirement, decision or determination of the zoning administrator or to grant a variance. No action of the BZA is valid unless authorized by a majority vote of those present and voting. Excluded from the requirements of this section are matters governed by § 15.2-2312, VA. Code Ann.

(d) Conflict. Any member of the BZA is disqualified to act upon a matter with respect to property in which the member has an interest as set forth in the Virginia Conflict of Interests Act, § 2.2-3100 et seq., VA Code Ann.

(Ord. of 5-2-1996, § 1601.02; Ord. of 3-9-2010; Ord. of 6-28-2011(8))

Sec. 70-63. - Officers.
The board of zoning appeals shall choose annually its own chair and a vice-chair who shall act in the absence of the chair. The chair or, in his absence, the acting chair, may administer oaths and compel the attendance of witnesses.

(Ord. of 5-2-1996, § 1601.03)

Sec. 70-64. - Powers, duties.
The board of zoning appeals shall have the power and duty to hear and decide ~~on applications for variances, special exceptions and~~ appeals, and to hear and decide applications for variances in accordance with Code of Virginia, § 15.2-2309. The board of zoning appeals shall ~~decide the issue within 60 days of such hearing. Before deciding on any application for appeal, variance or special exception, the board of zoning appeals shall advertise and hold a public hearing pursuant to Code of Virginia, § 15.2-2204 and 15.2-2309~~ have no power to grant special exceptions.

(Ord. of 5-2-1996, § 1601.04)

Sec. 70-65. - Other employees; compensation.

Within the limits of funds appropriated by the board of supervisors, the board of zoning appeals may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or clerical services. Members may receive such compensation as the board of supervisors authorizes.

(Ord. of 5-2-1996, § 1601.05)

Sec. 70-66. – ~~Variances~~ Reserved.

~~(a) Authorization. The BZA may authorize variances from the terms of this ordinance [Ord. of 3-9-10], when, owing to special conditions a literal enforcement of the provisions would result in unnecessary hardship, provided that the spirit of this ordinance [Ord. of 3-9-10] must be observed and substantial justice done, pursuant to the Code of Virginia, § 15.2-2204 and 15.2-2309.~~

~~(b) Purpose. The purpose of a variance is to protect a property owner when he can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape at the time of the effective date of the ordinance, or where by reason of exceptional topographical conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation or development of property immediately adjacent thereto, the strict application of the terms of this ordinance [Ord. of 3-9-10] would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon hearing the evidence, that the granting of the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the property owner, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.~~

~~(c) Criteria. No variance may be granted by the BZA unless it finds that:~~

~~(1) The strict application of this ordinance [Ord. of 3-9-10] would produce undue hardship relating to the property;~~

~~(2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;~~

~~(3) The authorization of such variance will not be of substantial detriment to an adjacent property and that the character of the district will not be changed by the granting of the variance; and~~

~~(4) The condition or situation of the property concerned is not of so general and recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this ordinance [Ord. of 3-9-10], and~~

~~(d) Conditions. In authorizing a variance, the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it deems necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed will be complied with.~~

~~(e) Procedures for variances.~~

~~(1) In accordance with the provisions of this ordinance [Ord. of 3-9-10] and Code of Virginia, '15.2-2309, any person seeking a variance from the application of regulations of this ordinance [Ord. of 3-9-10], must first submit an application to the zoning administrator on a form provided by the zoning administrator.~~

~~(2) Variances must be accompanied by a cash payment to the county in accordance with the established fee schedule.~~

~~(3) The zoning administrator shall transmit the application promptly to the secretary of the BZA, who shall place the matter on the docket to be acted upon by the BZA. The zoning administrator must also transmit a copy of the application to the planning commission which may send a recommendation to the BZA or appear as a party at the hearing.~~

~~(4) No variance may be authorized except after notice and hearing before the BZA pursuant to Code of Virginia, '15.2-2204.~~

~~(5) The applicant for a variance bears the burden of producing evidence to support the required findings and to establish that the requested variance satisfies all standards for a variance.~~

~~(Ord. of 5-2-1996, § 1602; Ord. of 3-9-2010)~~

Sec. 70-67. - ~~Special exceptions.~~ Reserved.

~~(a) The board of zoning appeals shall have the authority to hear and decide on applications for such special exceptions as authorized in this chapter. In certain cases, the board of supervisors has reserved this authority to itself. See sections 70-485, 70-515 and 70-545.~~

~~(b) In granting a special exception, the board of zoning appeals may impose such conditions as it deems necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed will be complied with. See section 70-166~~

~~(Ord. of 5-2-1996, § 1603)~~

Sec. 70-68. - Appeals from decisions of the zoning administrator.

(a) Appeals authorized. An appeal to the BZA may be taken by any person aggrieved or by any officer, department or board of the county affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article or any ordinance adopted pursuant to this ordinance ~~[Ord. of 3-9-10]~~. Such appeals must be made within 30 days after the decision appealed from. Appeals are made by filing a notice of appeal with the zoning administrator and with the BZA. The notice of appeal must specify the grounds for appeal.

(b) Document transmittal. The zoning administrator must immediately transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.

(c) Stay in proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the BZA that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

(d) Fee. Appeals must be accompanied by a cash payment to the county in accordance with the established fee schedule set by the board of supervisors.

(e) Time of hearing. Upon receipt of the appeal, the BZA must fix a reasonable time for the hearing, give public notice in accordance with Code of Virginia, § 15.2-2204 and 15.2-2309, as well as due notice to the parties in interest as required by law.

(f) Time of decision. The BZA must make its decision within 90 days of the filing of the appeal.

(g) Decision by BZA. In exercising its powers the BZA may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from.

(h) Withdrawal of appeal. An appeal to the BZA may be withdrawn by the appellant at any time prior to the deadline for cancellation of the newspaper advertisement provided for in this article. After such deadline, an appeal may be withdrawn only with the permission of the BZA. An appeal which is not withdrawn as provided for in this subsection must be either granted or denied on the merits by the BZA, either in whole or in part.

(Ord. of 5-2-1996, § 1604; Ord. of 3-9-2010)

Sec. 70-69. - Appeals from decisions of board of zoning appeals.

Any person or persons jointly or severally aggrieved by any decision of the BZA, or any aggrieved taxpayer, or any officer, department, board or bureau of the county, may file with the circuit court a petition specifying the grounds on which it is aggrieved within 30 days after the final decision of the BZA.

(Ord. of 5-2-1996, § 1605; Ord. of 3-9-2010)

Sec. 70-70. - Fees.

There may be a charge for the examination and hearing of applications for appeals to the board of zoning appeals. Fees shall be established by the board of supervisors and shall be paid at the time the appeal is filed.

(Ord. of 5-2-1996, § 1606)

Sec. 70-71. - Administrative variance.

Repealed.

(Ord. 04-28-2015)

Secs. 70-72 -- 70-90. - Reserved.

DIVISION 3. - APPEALS FROM DECISION OF BOARD OF SUPERVISORS

Sec. 70-91. - Authorized.
Any person aggrieved by any decision of the board of supervisors, or any aggrieved taxpayer, or an officer, department, board or bureau of the county may appeal such decision by presenting to the circuit court a petition specifying the grounds on which aggrieved. Such appeal shall be taken within 30 days of the decision of the board of supervisors.

(Ord. of 8-11-1998, § 1606.01)

Sec. 70-92. - Reserved.

Sec. 70-93. - Reserved.

Sec. 70-94. - When testimony required.
If upon a hearing under this division it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or modify the decision brought up for review.

(Ord. of 8-11-1998, § 1606.04)

Sec. 70-95. - Costs.
Costs shall not be allowed against the board of supervisors unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

(Ord. of 8-11-1998, § 1606.05)

Secs. 70-96 -- 70-115. - Reserved.

DIVISION 4. - ZONING PERMITS AND SITE PLANS

Sec. 70-116. - ~~Required~~ Zoning permit requirements.
~~A zoning permit is required for construction of or addition to any building or structure for which a building permit is required, and a zoning permit is required for any proposed change in use within a structure that is used in whole or in part for nonresidential purposes. A temporary zoning permit is also required for certain temporary uses permitted in individual zoning districts pursuant to section 70-122.~~

(a) *When required*. Except as provided for in the following subsections, a zoning permit shall be required for:
   1) The erection, construction, reconstruction, or moving of a building and/or structure or part thereof;
   2) Any alteration of a building and/or structure whereby the physical footprint and/or height is changed;
   3) For the establishment of any new land use; and
   4) For any proposed change in use within a structure that is used in whole or in part for nonresidential purposes.

(b) When not required. Unless otherwise regulated by approved proffers or county-imposed conditions, a zoning permit shall not be required for:
   1) At-grade modifications (e.g. patios, landings, sidewalks, and driveways, but not including pools);
   2) Below-grade modifications, not including new well and septic drainfield installations;
   3) Building interior modifications not qualified under Sec. 70-116(a);
   4) Accessory structures up to one-hundred fifty (150) square feet;
   5) Graveyards, including crypts/mausoleums up to fifteen-hundred (1,500) square feet;
   6) Sign "refacing" (i.e. the like-for-like replacement of a permanent, conforming sign's advertising message whereby the physical dimensions of the sign do not change);
   7) Fences, handrailing, screening walls, and retaining walls; and
   8) Common residential yard accessories (e.g. LP-gas or oil tanks, air conditioning units, mailboxes, flagpoles, satellite dishes).

(c) *Agricultural uses.* A zoning permit shall not be required for any bona fide agricultural structure (e.g. a pole barn or silo) or the establishment of any agriculture use as defined in Sec. 70-1, unless the

use is identified as having parking requirements in Article V, Division 5 of this chapter. A zoning permit shall be required for any structure or use regulated by Article VIII of this chapter (Intensive Livestock, Dairy, and Poultry Facilities).

(d) *Expiration.* An approved zoning permit shall expire if construction and/or establishment of the permitted use does not commence within six (6) months from the date of approval.

(e) *Temporary uses.* A temporary zoning permit ~~is also~~ shall be required for certain temporary uses permitted in individual zoning districts ~~pursuant to section 70-122~~ as provided for elsewhere in this chapter.

(Ord. of 5-2-1996, § 1101; Ord. of 3-9-2010)

Sec. 70-117. - ~~Agricultural, limited residential and general residential zoning districts~~ Administrative site plans.

~~Each application for a zoning permit in the districts shall be accompanied by a scale drawing showing the size and shape of the parcel of land, and the proposed location and use of the structure. The zoning administrator shall review and approve the application and may submit it to the commission for its review and recommendation.~~

(a) *Applicability.* An administrative site plan shall accompany each application for a zoning permit to establish or modify any of the following:
   1) Single-family detached dwelling, two-family dwelling, or manufactured home.
   2) Any use which is customarily incidental (i.e. accessory) to the above principal uses.
   3) Farm stand, wayside stand, or farm enterprise.
   4) ADA-accessibility improvements, of up to two-thousand, five-hundred (2,500) square feet, to any existing building or structure.
   5) Any nonresidential use which results in total land disturbance under two-thousand, five-hundred (2,500) square feet.
   6) Any nonresidential change of use within an existing structure that results in no land disturbance nor necessitates any additional site improvements that may be required by this chapter.
   7) Temporary uses.
   8) Signs.

(b) *Plan preparation.* An administrative site plan may be hand-drawn or prepared by a licensed surveyor, engineer, or architect. Hand-drawn plans shall not be accepted for the modification of any nonconforming structure or for any principal use on property zoned Planned Residential (R-3) or Multifamily Residential (R-4).

(c) *Contents of plan.* Each administrative site plan shall be shown on either a current survey of the property or on the most-current survey of the property on record in the Circuit Court, and shall depict, as appropriate:
   1) Property lines and their courses and measurements;
   2) The tax parcel number, acreage of the lot, scale, and north arrow;
   3) The location, dimensions, height, and proposed setbacks from property lines and from bodies of water for all existing and proposed buildings and structures on the lot;
   4) Existing and proposed driveways, travelways, and parking areas;
   5) The location of streams and other bodies of water on the lot;
   6) Modifications to existing drainageways;
   7) Installation or modification of a stormwater best management practice (BMP);
   8) Compliance with any proffers, variances, and/or county-imposed conditions; and
   9) All public and private rights-of-way (including easements), their name(s), and the width of said rights-of-way.

(d) *Exceptions.* For properties which have no current plat or survey, or where the plat or survey is of too large a scale so as to inhibit the accurate drawing of the site plan, an illustration of property line locations along with the site plan elements may be accepted in lieu of a plat or survey. This shall be at the sole discretion of the zoning administrator.

(e) *Modification of requirements.* Any of the administrative site plan elements may be waived or modified in circumstances in which they are not applicable or where they bear no relation to the proposed use. The zoning administrator may require the submission of additional materials necessary to satisfactorily administer the requirements of this ordinance.

(f) *Expiration.* Administrative site plans shall have the same expiration provisions as the accompanying zoning permit, as specified in Sec. 70-116.

(Ord. of 5-2-1996, § 1101.01)

Sec. 70-118. - ~~Planned residential district~~ Minor site plans.

~~Each application for a zoning permit in the planned residential district shall be accompanied by three copies of a plat prepared by a certified land surveyor. The plat shall show the size and shape of the parcel of land, and the proposed location and use of the structure. The zoning administrator shall review and approve the application, and may submit it to the commission for its review and recommendation.~~

(a) *Applicability.* Prior to an application for a zoning permit, a minor site plan shall be reviewed and approved by the zoning administrator for the following:
   1) Any use which results in total land disturbance of less than one (1) acre, unless specifically subject to administrative site plan requirements.

(b) *Plan preparation*. A minor site plan shall be prepared by a licensed surveyor, engineer, or architect.

(c) *Contents of plan*. In addition to the administrative site plan elements specified in Sec. 70-117(c), a minor site plan shall also depict, as appropriate:
   1) Project name, a written description of the proposed use(s), current property owner(s) and address(es), and the plan preparer's information;
   2) A vicinity map;
   3) The zoning classification of the property;
   4) Approval blocks for relevant review departments and/or agencies;
   5) All information necessary to show compliance with the parking, loading/unloading, and landscaping requirements pursuant to Article V, Division 5 of this chapter;
   6) Any required buffer yards and the associated fencing and landscaping;
   7) Any known places of burial;
   8) All easements;
   9) All existing and proposed utilities;
   10) North, south, east, and west elevation drawings for all principal structures;
   11) Proposed signage;
   12) Existing topography and proposed final grades;
   13) The extent of any land disturbance and all erosion control measures and plans pursuant to Chapter 26 of this Code and/or requirements of the Code of Virginia;
   14) The name, phone number, certification number, and certification expiration date for the designated responsible land disturber(s), pursuant to Chapter 26 of this Code;
   15) The location of any flood hazard areas, mapped dam inundation zones, or previously-delineated/identified wetlands present on the site; and
   16) All proposed transportation improvements within the site and external to the site.

(d) *Timeframe for review*. Permissible timeframes for review and approval of any minor site plan shall be in accordance with § 15.2-2259 of the Code of Virginia.

(e) *Expiration*. Minor site plan approval shall expire after five (5) years unless construction has begun and work has been diligently pursued.

(Ord. of 5-2-1996, § 1101.02)

Sec. 70-119. - ~~Multifamily residential, commercial and industrial districts~~ Major site plans.

~~Each application for a zoning permit in the multifamily residential, commercial and industrial districts shall be accompanied by four copies of a site plan which shall include the following information~~

~~(1) A vicinity map at a scale of one inch equals 2,000 feet.~~

~~(2) The property boundaries and source of title as shown on the most recent survey.~~

~~(3) Existing topography and proposed grading.~~

~~(4) Existing and proposed roads.~~

~~(5) Existing and proposed utilities.~~

~~(6) Proposed provisions for handling stormwater.~~

~~(7) Location, floor area, height and use of each existing or proposed building or structure.~~

~~(8) Location, type and height of all fencing, screening and retaining walls.~~

~~(9) Parking and loading areas, including dimensions and type of surface.~~

~~(10) A lighting and landscape plan (to include designated buffer zone).~~

~~(11) Elevation drawings of each principal side of each building or structure.~~

~~(12) Information relating to archaeological, historical and natural resources, if any.~~

~~(13) Soil analysis listing representative soil types on site, weights per cubic foot of the soils and whether or not they have shrink-swell potential. Soils should be shown as per the current soil survey of the county.~~

~~(14) Location of trash collection/recycling facilities and provision for private collection service.~~

~~(b) The site plan shall be submitted to the zoning administrator for review within five years of rezoning approval by the board of supervisors. Failure to submit the site plan within five years of rezoning approval may trigger a review of the zoning classification by the board of supervisors.~~

(a) *Applicability.* Prior to an application for a zoning permit, a major site plan shall be reviewed and approved by the zoning administrator for the following:

1) Any use which results in total land disturbance of one (1) acre or more, except for single-family detached dwellings, two-family dwellings, and manufactured homes.

(b) *Plan preparation*. A major site plan shall be prepared by a licensed surveyor, engineer, or architect.

(c) *Contents of plan*. In addition to the minor site plan elements specified in Sec. 70-118(c), a major site plan shall also depict, as appropriate:

1) The owners, tax parcel numbers, sources of title, zoning classifications, and current uses of all adjacent properties;
2) A current boundary survey of the site;
3) Existing and proposed lot coverage ratios;
4) The estimated daily vehicular trip generation figures for the development;
5) Provisions and best management practices for addressing stormwater requirements;
6) Details for any retaining walls;
7) Photometric drawings for all exterior lighting;
8) Tree-save areas and/or areas to remain undisturbed;
9) Any proposed phasing of development;
10) A soils evaluation;
11) The identification and delineation of any wetlands;
12) The design and placement of any refuse facilities; and
13) Any information related to existing archeological or historical resources.

~~(c) Once a site plan has been submitted, the zoning administrator may refer the plan to the planning commission or the board of supervisors for review and recommendation if it is deemed necessary to do so. All multifamily development site plans shall be referred to the planning commission for review. The zoning administrator shall notify the applicant in writing of such referral, specifying the time and place the planning commission or board of supervisors will review the plan. If the zoning administrator finds that the proposal conforms with applicable ordinances, he shall notify the applicant in writing that he has approved the plan. If the zoning administrator finds that the proposal does not conform with applicable ordinances, he shall notify the applicant in writing that he has disapproved the plan, specifying the causes for disapproval and the steps necessary to correct such causes. Failure to notify the applicant within 30 days of receipt shall be deemed approval.~~

(d) *Additional review*. The zoning administrator may refer a major site plan to the planning commission or other appointed or elected review committee if it is determined the proposed project, based on the intensity, potential impacts, or complexity of approved proffers or conditions, would warrant an additional level of review.

(e) *Timeframe for review*. Permissible timeframes for review and approval of any major site plan shall be in accordance with § 15.2-2259 of the Code of Virginia.

(f) *Zoning compliance certificates*. A zoning compliance certificate shall be required for all site work and improvements approved via the minor or major site plan approval process, prior to issuance of any permanent certificate of occupancy by the Building Official. The purpose of the zoning compliance certificate is to confirm that all site improvements required pursuant to this chapter, to the approved site plan, to accepted proffers, and/or to other county-imposed conditions are installed in substantial conformance with said requirements. The zoning administrator may rely on any reasonable means necessary to determine "substantial conformance," particularly in circumstances where the professional licensure of others is required to properly confirm the validity of the installed improvement.

1) *Temporary certificates.* In situations where the building or structure must be occupied and the use must otherwise commence prior to completion of all required improvements, the zoning administrator may issue a temporary zoning compliance certificate subject to the following:

i. The period of validity for the temporary certificate may not exceed six (6) months, unless the zoning administrator approves a longer period of time for unusual circumstances.
ii. The site and building is in a safe and usable condition, free from conditions that might endanger the health, safety, or welfare of persons using the site.
iii. The property owner or authorized agent submits a written performance guarantee specifying the required improvements yet to be completed and the timeframe

required for their completion. The guarantee shall be accompanied by a surety payable to the county in an amount determined by the county to be sufficient to ensure satisfactory completion or all required improvements yet to be completed within the timeframe of the temporary certificate. The guarantee may be in the form of cash/check, an irrevocable letter of credit, or other collaterally-assigned funds acceptable to the county attorney. The developer shall submit a surety estimate, to be approved by the county, along with a reasonable amount for administrative costs not to exceed ten (10) percent of the estimated costs.

iv. The surety requirement may be waived in instances where the unfinished improvements have an estimated cost of no greater than five-hundred dollars ($500).

v. The county may make use of the surety if the obligee fails to comply with the terms of the performance guarantee or the county determines the unfinished improvements have not been completed in a timely manner so as to negatively impact the public health, safety, or general welfare. Alternatively, the county may revoke the certificate of occupancy until said terms are fulfilled.

(f) ~~(d)~~*Expiration.* Major site plan approval shall expire after five (5) years unless construction has begun and work has been diligently pursued.

(Ord. of 5-2-1996, " 1101.03, 1101.04; Ord. of 8-11-1998, " 1101.03, 1101.04; Ord. of 5-8-2001; Ord. of 6-14-2011)

Sec. 70-120. - Fee for review.

An applicant for a zoning permit shall pay a fee for the review and approval of the site plan and the issuance of the zoning permit in accordance with the schedule of fees adopted by the board of supervisors.

(Ord. of 5-2-1996, § 1101.05)

Sec. 70-121. - Electric service.

It shall be unlawful for any electric company to furnish electricity to any new structure, building or newly located manufactured or mobile home unless a zoning permit has been issued.

(Ord. of 5-2-1996, § 1101.06)

Sec. 70-122. - Temporary use permits.

(a) Permit and application requirements. A zoning permit for a temporary use is required for certain temporary uses permitted in individual zoning districts. Application for such permit shall be made at least one week prior to the date on which the permit is to take effect. The application shall be made on a form provided by the zoning administrator and shall include information about the proposed use, products to be sold, signs, and related licenses and permits.

(b) Revocation of temporary permit. The zoning administrator may revoke a temporary permit at any time subsequent to the failure of the owner or operator of the permitted use to observe all requirements of the law with respect to the maintenance and conduct of the use, and any conditions of the permit that were designated by the zoning administrator when issued. Upon receipt of notice of revocation of the permit, the property owner or operator of such activity shall cease operation of the activity immediately. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this section.

(c) Public uses excluded. Any use located on government-owned property which is approved by the County, shall not be considered a temporary use subject to this section and section 70-940.

(d) Civic or non-profit organization use exempted. The operation of a temporary use by a civic or non-profit organization is exempt from the requirements of this section and section 70-940.

(e) Signs. Notwithstanding other regulations governing signs in this ordinance [Ord. of 3-9-10], only one sign is permitted for each temporary use, which shall be displayed only during the period approved for the temporary use.

(Ord of 3-9-2010)

Secs. 70-123 -- 70-140. - Reserved.

DIVISION 5. - SPECIAL USE PERMITS

Sec. 70-141. - Considerations.
In granting a special use permit, the planning commission and the board of supervisors shall consider whether the proposed use would further the purposes of the comprehensive plan and this chapter; whether it would threaten the public health, safety or welfare; whether it would be compatible with its surroundings; whether it would impact the environment or any natural, scenic, or historic features; and whether it would result in a substantial detriment to the surrounding property.

(Ord. of 5-2-1996, § 1103.01)

Sec. 70-142. - Conditions authorized.
In granting a special use permit, the planning commission may recommend and the board of supervisors may impose reasonable conditions to protect the public health, safety and general welfare. The board may require the posting of a bond as a reasonable condition to ensure compliance with the approved permit or any part thereof.

(Ord. of 5-2-1996, § 1103.02)

Sec. 70-143. - Notice and hearing required.
No action to approve, modify, or deny a special use permit may be ~~granted~~ taken by the governing body except after notice and hearing as provided in Code of Virginia, § 15.2-2204. The Planning Commission shall hear and provide recommendations on all special use permit applications, unless otherwise specified.

(Ord. of 5-2-1996, § 1103.03)

Sec. 70-144. – Expiration and revocation.

(a) Unless otherwise provided in the conditions of approval, any special use permit shall ~~expire~~ become void if the applicant does not obtain a building permit for the facility or otherwise commence the use within ~~nine months~~ two (2) years of its issuance. ~~The zoning administrator may grant an extension of up to three months upon written application and for good cause shown. Any request for an extension of more than three months will require a new application.~~ In the event any use allowed by a special use permit is discontinued for a period of two (2) years or longer, the use shall be deemed abandoned and the special use permit shall become void. Renewal and/or reestablishment of such a use shall require a new application, public notice, and subsequent approval by the board of supervisors.
(b) ~~Pursuant to Code of Virginia, § 15.2-2288.4, any special use permit that was valid and outstanding as of January 1, 2009, is extended to July 1, 2011.~~ Repealed.
(c) For instances in which the conditions of a special use permit are not met or when complaints have been received and verified, and administrative enforcement procedures have been pursued without success, the zoning administrator shall bring the matter before the board of supervisors for a public hearing to determine the appropriateness of revoking the special use permit.

(Ord. of 5-2-1996, § 1103.04; Ord. of 3-9-2010)

Sec. 70-145. – Application submittal requirements and review.

(a) Each application for a special use permit shall contain the following:
    1) Application form(s), appropriate fees, and authorization by the property owner, if applicable.
    2) A general concept plan, no smaller than 11”x17”, illustrated on a plat or survey of the property, which may be hand-drawn or non-engineered, and which clearly shows all existing conditions and proposed changes to the property that will result from the application. These shall include, at a minimum:
        i. Existing roads, driveways, utilities, and easements;
        ii. Existing structures and/or uses and their distances to property lines;
        iii. Proposed structures and/or uses and their orientation on the property;
        iv. Proposed utilities;
        v. Proposed grading;
        vi. General parking and landscaping areas;
        vii. The location of wetlands, floodplains, streams, and other bodies of water;
        viii. Any proposed subdivision of the property;
        ix. Any proposed phasing of development;

x. General signage types and locations; and
xi. Proposed roads and driveways.

3) A written narrative describing the scope of the proposal, including at a minimum:
   i. A detailed project description and how it aligns with the goals and objectives of the comprehensive plan;
   ii. Anticipated traffic volumes and related traffic impacts;
   iii. A fiscal impact analysis including expected economic benefits and costs to the county;
   iv. Impacts on the provision of public services;
   v. An environmental impact analysis;
   vi. An analysis of impacts on historic and cultural resources; and
   vii. Anticipated impacts to neighboring properties and how those impacts will be mitigated.
4) Any other information, as required in writing upon review of the application by the zoning administrator, that is relevant to the unique characteristics of the application and/or will further assist the governing body in their decision of approval or denial of the application.

(b) An application that provides all of the required information, in appropriate detail, shall be determined to be complete and be accepted for review. An application omitting any required information shall be deemed to be incomplete and shall not be accepted, unless the zoning administrator determines the missing information is not required to adequately review the application.
   1) The zoning administrator shall determine whether an application is complete within ten (10) business days after the application is received. If the application is deemed to be incomplete, the zoning administrator shall inform the applicant, in writing, of the deficiencies in the application.
   2) Applications deemed incomplete shall have the required missing information submitted within ninety (90) calendar days of the date of the zoning administrator's notice, as required by the above section, or the application will become void and subject to the provisions of Sec. 70-146.

(c) The zoning administrator shall refer the application to the planning commission only after allowing for a sufficient time period for review, not to exceed forty-five (45) business days, by other county departments and external agencies.

Sec. 70-146. – Limitation on applications.
No application for a special use permit shall be accepted for any lot within one (1) year of the application date for any previously submitted, withdrawn, or denied special use permit application for the same lot. This section however shall not prohibit the board of supervisors from proposing a special use permit by way of their own motion.

Sec. 70-147. – Appeal.
Any person aggrieved by a board decision to approve, modify, deny, or revoke a special use permit may file an appeal in the circuit court within thirty (30) days of the date of the board action.

Secs. 70-~~145~~148 -- 70-165. - Reserved.

DIVISION 6. - SPECIAL EXCEPTIONS

Sec. 70-166. – ~~Authorized~~ Generally.
~~The board of supervisors delegates to the board of zoning appeals the power to review and approve certain applications for special exceptions subject to the following guidelines; they shall:~~
~~(1) Safeguard the public health, safety and welfare;~~
~~(2) Not impair an adequate supply of light and air to adjacent property;~~
~~(3) Not increase congestion in the public street or danger of fire or other hazards;~~
~~(4) Not substantially diminish property values in surrounding areas; and~~
~~(5) Observe the spirit of the comprehensive plan and this chapter such that substantial justice is done.~~
For the purposes of this chapter, the terms *special exception* and *special use permit* are interchangeable. Special exceptions are considered special uses which constitute minor deviations from certain existing ordinance requirements, where specifically authorized in this chapter. Special exceptions shall have the same administrative and procedural requirements as special use permits, as specified by Division 5 of this Article. However, applications for special exceptions shall only necessitate a public hearing by the board of

supervisors, unless the board refers an application to the planning commission for their review and recommendation.

(Ord. of 5-2-1996, § 1104.01)

~~Sec. 70-167. – Expiration.~~
~~Any special exception shall expire if the applicant does not avail himself of the privilege granted by the exception within nine months of its issuance. The zoning administrator may grant an extension of up to three months upon written application and for good cause shown.~~
~~(Ord. of 5-2-1996, § 1104.02)~~

Secs. 70-16~~8~~7 -- 70-190. - Reserved.

DIVISION 7. - ~~CONDITIONAL~~ ZONING MAP AMENDMENTS

Sec. 70-191. - ~~Conditional Zoning Authorized.~~ Generally.
~~The board of supervisors may rezone property subject to conditions, provided the applicant proffers such conditions in writing prior to the public hearing before the board of supervisors. Any such rezoning shall conform to the provisions of §§15.2-2296 through 15.2-2303 of the Code of Virginia.~~
~~(1) Any landowner applying for rezoning may voluntarily proffer to place restrictions on the use of his land in addition to the restrictions imposed by this chapter. The landowner may also:~~
~~(a) dedicate to the county, or to an agency approved by the county, real estate or public facilities located off the site to be rezoned;~~
~~(b) pay to the county a fixed sum of cash or other consideration to defray the cost of capital improvements;~~
~~(c) pay to the county a fixed sum of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an amendment to the comprehensive plan and incorporated into the capital improvements program. provided that (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the county comprehensive plan.~~
~~(2) The board of supervisors may rezone the property on the condition that the landowner and his heirs and assigns abide by such conditions. Such conditions shall have the same force and effect as the regulations provided for the zoning district by this chapter. Failure to abide by such conditions shall render the rezoning voidable and may cause the zoning of the property to revert to its classification prior to the conditional rezoning.~~
~~(3) The zoning administrator shall prepare a "proffer policy guide" to aid landowners in preparing and submitting proffers. Said policy guide shall be approved by the board of supervisors prior to implementation, and may be amended from time to time with the approval of the board.~~
The board of supervisors may change the zoning classification of one or more properties, or part(s) thereof, whenever the public necessity, convenience, general welfare, and/or good zoning practice gives need for such action, and whereby a determination of general conformance with the comprehensive plan is found. The planning commission shall hear and provide recommendations on all zoning map amendments, and shall consider these bases when formulating its recommendations. Zoning map amendments may be initiated by the board of supervisors, planning commission, or by the property owner.

(Ord. of 5-14-2013, Ord. #130514-PH3)

Sec. 70-192. – ~~Expiration~~ Repealed.
~~Upon rezoning of property to limited residential (R-1), general residential (R-2) or planned residential (R-3), plats for the proposed subdivision must be submitted to the subdivision agent and home construction diligently pursued within five years of rezoning approval by the board of supervisors. Failure to do so may trigger a review of the zoning classification by the board of supervisors. Upon rezoning of property to multifamily residential (R-4), limited commercial (C-1), general commercial (C-2), limited industrial (I-1) or general industrial (I-2), site plans shall be submitted to the zoning administrator for review and construction diligently pursued within five years of rezoning approval by the board of supervisors. Failure to do so may trigger a review of the zoning classification by the board of supervisors.~~

(Ord. of 5-8-2001; Ord. of 6-14-2011)

Sec. 70-193. – Conditional zoning.

(a) *Authority to accept proffers*. The board of supervisors is authorized to accept proffers in conjunction with an owner-initiated zoning map amendment pursuant to § 15.2-2296:2303 of the Code of Virginia.
(b) *Purpose*. Proffers (i.e. voluntary conditions submitted by the applicant) are intended to provide for the orderly development of land in situations where a more flexible and adaptable regulatory mechanism is needed to adequately address impacts to the community and locality arising from a proposed zoning map amendment. Such conditions are generally intended to be unique to the property while supplementing the underlying zoning district regulations, and carry the same applicability and enforceability as such.
(c) *Form*. All proffers to be volunteered shall be in writing and shall be signed by the applicant. Such proffered conditions shall be made on a standard form approved by the county attorney.
(d) *Submittal*. Proffers may be submitted in conjunction with an application for a zoning map amendment at any time prior to the public hearing by the board of supervisors. The applicant may amend said proffers as so desired during that timeframe. The board may, at its sole discretion, accept proffer amendments once the public hearing has begun, provided the changes do not materially affect the proposal.
(e) *Acceptance and effect*. The board may accept proffers in their entirety, only accept certain proffers, and/or accept portions thereof. Once accepted in conjunction with an approved zoning map amendment, the proffers shall remain in full force and effect unless a subsequent amendment to said proffers is approved or the zoning classification is changed.
(f) *Amendments to accepted proffers*. Once accepted by the board in conjunction with an approved zoning map amendment, proffers may only be further amended via a subsequent owner-initiated zoning map amendment. An application to amend proffers shall be subject to procedural requirements under Sec. 70-194. However, no further recommendation by the planning commission shall be required unless the board refers the proposed proffer amendment to the commission for a public hearing and recommendation. In consideration of an application to amend proffers, the board may, at its sole discretion, waive the public hearing requirement if it determines the proposed amendments do not materially affect conditions relating to allowable uses or density.

Sec. 70-194. – Application submittal requirements and review.
Application submittal requirements and review procedures for an owner-initiated zoning map amendment shall be the same as those for special use permits, as prescribed in Sec. 70-145. Additionally, the owner may choose to volunteer proffers in conjunction with the application, pursuant to Sec. 70-193.

Sec. 70-195. – Limitation on applications.
No application for an owner-initiated zoning map amendment shall be accepted for any lot within one (1) year of the application date for any previously submitted, withdrawn, or denied application. This section however shall not prohibit the board of supervisors from initiating a zoning map amendment by way of their own motion.

Sec. 70-196. – Notice and hearing required.
No action to approve or deny a zoning map amendment or amendment to previously-approved proffers may be taken by the board except after notice and hearing as provided in the Code of Virginia, § 15.2-2204. The Planning Commission shall hear and provide recommendations on all proposed zoning map amendments.

Sec. 70-197. – Appeal.
Any person aggrieved by a board decision to approve or deny a zoning map amendment or proffer amendment may file an appeal in the circuit court within thirty (30) days of the date of the board action.

Secs. 70-19~~38~~ -- 70-210. - Reserved.

DIVISION 8. – ZONING TEXT AMENDMENTS

Sec. 70-211. - Intent.
Pursuant to Code of Virginia, § 15.2-2285, the board of supervisors may amend, supplement, change, modify or repeal the regulations, restrictions and boundaries established in this chapter, as provided in this division.

(Ord. of 5-2-1996, § 1701)

Sec. 70-212. - Initiation.
Whenever the public necessity, convenience, general welfare or good zoning practice requires, the board of supervisors may, by ordinance, amend or repeal the text of this chapter ~~or the zoning map~~. Such amendments may be initiated by the board of supervisors or the commission, or by a property owner in accordance with procedural requirements and application requirements established by the board of supervisors. ~~An amendment to the map may be initiated by petition of the owner or agent of the owner of the property which is the subject of such amendment; provided that such petition shall be addressed to the board of supervisors, shall be on a standard form, and shall be accompanied by a fee in accordance with a fee schedule separately adopted by the board of supervisors.~~

(Ord. of 5-2-1996, § 1702)

Sec. 70-213. - Report by the planning commission.
Upon ~~receipt of an application to~~ initiation to amend the zoning ordinance, the planning commission shall advertise and hold a public hearing ~~at its next regularly scheduled meeting~~, pursuant to Code of Virginia, § 15.2-2204 and report to the board of supervisors its recommendation with respect to the proposed amendment. ~~The commission need not confine its recommendation to the proposed amendments as set forth in the petition but may reduce the extent of lands that it recommends be rezoned or may recommend that lands be rezoned to a less intensive zoning classification than that petitioned for. If the amendment was initiated by petition, failure to report within 40 days from the date of the first public hearing shall be deemed a favorable recommendation. Any application which is postponed at the request of the applicant shall be considered withdrawn, and any application withdrawn shall be resubmitted and shall be subject to the applicable fees.~~

(Ord. of 5-2-1996, § 1703; Ord. of 10-12-1999)

Sec. 70-214. - Board of supervisors public hearing.
Before adopting any amendment, the board of supervisors shall hold a public hearing on the amendment, pursuant to Code of Virginia, § 15.2-2204, after which the board of supervisors may make appropriate changes or corrections in the proposed amendment. ~~No other land shall be rezoned and no land shall be rezoned to a more intensive classification than was contained in the public notice without an additional public hearing after notice as required by Code of Virginia, § 15.2-2204.~~

(Ord. of 5-2-1996, § 1704)

Sec. 70-215. - Minimum period for refiling denied applications.
If the board of supervisors shall deny the petition of any property owner, substantially the same petition shall not be reconsidered for a period of one year from the original decision by the board of supervisors unless a change in conditions warrants rehearing.

(Ord. of 5-2-1996, § 1705)

Sec. 70-216. - Withdrawal of petitions.
Any petition filed pursuant to this division may be withdrawn upon written request by the applicant provided that, if the request for withdrawal is made after publication of the notice of hearing, such withdrawal shall be only with the consent of the planning commission or the board of supervisors, whichever body has advertised the hearing.

(Ord. of 5-2-1996, § 1706)

Sec. 70-217. - Fees.
There shall be a charge for the filing, examination, advertising and conducting public hearings by the agent, commission and board of supervisors. Fees shall be established by the board of supervisors and shall be paid at the time of filing. Application fees are waived for the county school board or any agency, board, division or commission acting in the name of the board of supervisors.

(Ord. of 5-2-1996, § 1707)

Secs. 70-218 -- 70-240. - Reserved.

RE: PUBLIC HEARING: ADDITIONAL ACTION

By consensus, the Board requested that staff come back at a future meeting with a comprehensive Fee Schedule for consideration and adoption.

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Johnson being absent, the Board adjourned the meeting at 7:24 p.m. Ayes: White, Goodwin, Crozier, Frame. Nays: None. Absent: Johnson.

_____

Lee H. Frame, Chairman

_____

R. Bryan David, County Administrator