

ORDINANCE NO. 04-18(4)

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

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

By Amending:

Sec. 31.2.2 Building permits
Sec. 35.0 Fees

By Adding:

Sec. 32.5.7 Groundwater assessment information

Chapter 18. Zoning

Article IV. Procedure

Sec. 31.2.2 Building permits

The zoning administrator shall review each application for a building permit to ensure that the building or structure proposed is in accordance with the terms of this ordinance. No permit shall be issued for any construction for which a site development plan is required to be approved by the commission in accordance with section 32.0 of this chapter unless and until such plan shall have been so approved. Thereafter, any item shown on such plan as approved shall be deemed prima facie in accordance with the terms of this ordinance. No permit shall be issued for any structure to be served by an individual well subject to a Tier 1 groundwater assessment under Albemarle County Code § 17-400 until the applicant complies with Albemarle County Code § 17-401.

Each applicant shall provide a copy of the most recent plat of record of the land to be built upon unless no such plat exists, in which case the applicant shall provide a copy of the most recent deed description thereof.

Any other information which the zoning administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the zoning administrator. One (1) copy of the drawing shall be returned to the applicant with the permit.

(§ 31.2.2, 12-10-80; Ord. 04-18(4), 12-8-04, effective 2-8-05)

Sec. 32.5.7 Groundwater assessment information

The draft groundwater management plans and aquifer testing workplans required by Albemarle County Code §§ 17-403 and 17-404, as applicable, shall be submitted in conjunction with the submittal of the preliminary site plan. The requirements of Albemarle County Code §§ 17-403 and 17-404 shall be satisfied prior to final site plan approval.

(§32.5.7, Ord. 04-18(4), 12-8-04, effective 2-8-05)

Sec. 35.0 Fees

Except as herein otherwise provided, every application made to the zoning administrator, the commission, or the board of supervisors shall be accompanied by a fee as set forth hereinafter, to

defray the cost of processing such application. Neither the County nor the School Board of Albemarle County shall be required to pay any fee required by this section if it is the applicant.

a. For a special use permit:

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

b. For amendment to text of zoning ordinance - \$840.00.

c. Amendment to the zoning map:

1. For planned developments - under 50 acres - \$1,020.00.
2. For planned developments - 50 or more acres - \$1,570 .00.
3. For all other zoning map amendments - under 50 acres - \$1,020.00.
4. For all other zoning map amendments - 50 or more acres - \$1,570.00.
5. Minor amendment to a zoning map amendment - \$220.00.

d. Board of Zoning Appeals:

1. Request for a variance or sign special use permit - \$120.00. (Amended 7-8-92)
2. For other appeals to the board of zoning appeals (including appeals of zoning administrator's decision) - \$120.00, to be refunded if the decision of the zoning administrator is overturned.

e. Preliminary site development plan:

1. Residential - \$1,190.00, plus \$13.00/unit.
2. Non-residential - \$1,580.00, plus \$13.00/1000 square feet.

f. Final site development plan:

1. Approved administratively - \$410.00.

2. If reviewed by the commission before approval of preliminary site development plan - \$1,130.00.
3. If reviewed by the commission after approval of the preliminary site development plan - \$790.00.
4. For site development plan waiver - \$270.00.
5. For site development plan amendment:
 - a) Minor - alterations to parking, circulation, building size, location –\$95.00.
 - b) Major - commission review - \$270.00.
6. Review of site development plan by the architectural review board - \$200.00.
7. Appeal of site development plan to the board of super visors - \$240.00.
8. Rehearing of site development plan by commission or board of supervisors - \$190.00.
9. Rejection by agent of incomplete site development plan:
 - a) Rejected within ten days - \$200.00.
 - b) Suspended after site plan review - site plan fee shall not be refunded. \$65.00 fee shall be required to reinstate project.
- g. For relief from a condition of approval from commission or landscape waiver by agent - \$180.00.
- h. Change in road or development name after submittal of site development plan:
 1. Road - \$20.00.
 2. Development - \$25.00.
- i. Extending approval of site development plan - \$45.00.
- j. Granting request to defer action on site development plan, special use permit or zoning map amendment:
 1. To a specific date - \$35.00.
 2. Indefinitely - \$75.00.
- k. Bond inspection for site development plan, for each inspection after the first bond estimate - \$60.00.
- l. Zoning clearance - \$35.00.
- m. Accessory lodging permits - \$35.00.
- n. Official Letters:
 1. Of determination - \$75.00.

2. Of compliance with county ordinances- \$75.00.
 3. Stating number of development rights - \$40.00.
- o. Sign Permits:
1. Any sign, except exempted signs and signs requiring review by the architectural review board - \$35.00.
 2. Signs required to be reviewed by the architectural review board - \$75.00.
- p. Review of groundwater assessment information required by sections 31.2.2 or 32.5.7:
1. Tier 1 assessment under Albemarle County Code § 17-401 – \$50.00.
 2. Tier 3 assessment under Albemarle County Code § 17-403 – \$400.00 plus \$25.00 per lot.
 3. Tier 4 assessment under Albemarle County Code § 17-404 – \$1,000.00.

In addition to the foregoing, the actual costs of any notice required under Chapter 22, Title 15.2 of the Code shall be charged to the applicant, to the extent that the same shall exceed the applicable fee set forth in this section. Failure to pay all applicable fees shall constitute grounds for the denial of any application. For any application withdrawn after public notice has been given, no part of the fee will be refunded. (Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92)

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

This ordinance shall be effective on and after February 8, 2005.

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

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Bowerman	_____	_____
Mr. Boyd	_____	_____
Mr. Dorrier	_____	_____
Mr. Rooker	_____	_____
Ms. Thomas	_____	_____
Mr. Wyant	_____	_____