

ORDINANCE NO. 15-18()

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

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

By Amending:

Sec. 35.1 Fees
Sec. 35.2 Calculation of fees in special circumstances

By Amending and Renumbering:

<u>Old</u>	<u>New</u>	
Sec. 35.3	Sec. 35.4	Fee refunds

By Adding:

Sec. 35.3 Mode and timing for paying fees

Article IV. Procedure

Section 35

Fees

Sec. 35.1 Fees

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

- a. Zoning text amendments: ~~\$1000.00~~ \$1,075.00
- b. Zoning map amendments:
 1. Less than 50 acres; application and first resubmission: ~~\$2500.00~~ \$2,688.00
 2. Less than 50 acres; each additional resubmission: ~~\$1250.00~~ \$1,344.00
 3. 50 acres or greater; application and first resubmission: ~~\$3500.00~~ \$3,763.00
 4. 50 acres or greater; each additional resubmission: ~~\$1750.00~~ \$1,881.00
 5. Deferral of scheduled public hearing at applicant's request: ~~\$180.00~~ \$194.00
 6. Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to remove steep slopes from the steep slopes overlay district: any application fee under subsections (b)(1) through (5).
- c. Special use permits:
 1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: ~~\$1000.00~~ \$1,075.00

2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: ~~\$500.00~~ \$538.00
 3. Signs reviewed by the board of zoning appeals: See subsection 35.1(f)
 4. All other special use permits; application and first resubmission: ~~\$2000.00~~ \$2,150.00
 5. All other special use permits; each additional resubmission: ~~\$1000.00~~ \$1,075.00
 6. Deferral of scheduled public hearing at applicant's request: ~~\$180.00~~ \$194.00
 7. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking - ~~\$490.00~~ \$527.00
 8. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking - ~~\$110.00~~ \$118.00
- d. Site plans:
1. Initial site plans: ~~\$1200.00~~ \$1,290.00 plus \$15 \$16 per dwelling unit and ~~\$0.015~~ \$0.016 per square foot of nonresidential structure; the fee paid for preapplication plans shall be applied to the fee for initial site plans
 2. Preapplication plans: ~~\$500.00~~ \$538.00
 3. Final site plans: ~~\$1500.00~~ \$1,613.00
 4. Exception to drawing of site plan under section 32.3.5(a): ~~\$1500.00~~ \$1,613.00
 5. Site plan amendments under section 32.3.3(b): ~~\$500.00~~ \$538.00 (minor); ~~\$100.00~~ \$108.00 (letter of revision)
 6. Site plan amendments under section 32.3.3(b) (major): ~~\$1500.00~~ \$1,613.00
 7. Appeals under section 32.4.2.6: ~~\$240.00~~ \$258.00
 8. Reinstatement of review under sections 32.4.2.1(d) and 32.4.3.1(e): ~~\$240.00~~ \$258.00
 9. Reinstatement of review under section 32.4.2.5(e): ~~\$80.00~~ \$86.00
 10. Extension of period of validity: ~~\$475.00~~ \$511.00
 11. Inspections pertaining to secured site plan improvements; per inspection: ~~\$280.00~~ \$301.00
 12. Deferral of scheduled public meeting at applicant's request: ~~\$180.00~~ \$194.00
 13. Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 or one thousand dollars (\$1,000.00, whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).
- e. Certificates of appropriateness considered by the architectural review board ("ARB"):
1. For a site plan; per review by the ARB: ~~\$1000.00~~ \$1,075.00
 2. For a building permit; per review by the ARB: ~~\$590.00~~ \$634.00
 3. Amendment to approved certificate of appropriateness: ~~\$225.00~~ \$242.00
- f. Matters considered by the board of zoning appeals:
1. Variances: ~~\$500.00~~ \$538.00
 2. Appeals: ~~\$240.00~~ \$258.00
 3. Special use permits for signs under sections 4.15.5 and 4.15.5A: ~~\$500.00~~ \$538.00
 4. Interpreting a district map: \$258.00
- g. Matters considered by the zoning administrator or other officials:
1. Official determinations regarding compliance: ~~\$185.00~~ \$199.00
 2. All other official determinations, including development rights: ~~\$100.00~~ \$108.00
 3. Zoning clearance for tourist lodging: ~~\$100.00~~ \$108.00

4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: ~~\$25.00~~ \$27.00
5. Zoning clearance for temporary fundraising activity: No fee
6. All other zoning clearances: ~~\$50.00~~ \$54.00
7. Sign permits under section 4.15.4; no ARB review required: ~~\$25.00~~ \$27.00
8. Sign permits under section 4.15.4; ARB review required: ~~\$120.00~~ \$129.00
9. Letter of Map Change review: ~~\$150.00~~ \$161.00 (topographic plan only); ~~\$300.00~~ \$323.00 (topographic plan with floodplain model)
10. Floodplain Impact Plan review: ~~\$300.00~~ \$323.00
11. Variation or exception under section 32.3.5 before approval of a final site plan: \$892.00
12. Variation or exception under section 32.3.5 after approval of a final site plan: \$892.00

h. Groundwater assessments:

1. Tier 1 assessment under section 17-1001: ~~\$50.00~~ \$54.00
2. Tier 3 assessment under section 17-1003: ~~\$510.00~~ \$548.00
3. Tier 4 assessment under section 17-1004: ~~\$1100.00~~ \$1,183.00

i. Miscellaneous:

1. Change in name of development or change in name of street: ~~\$80.00~~ \$86.00
2. ~~Relief from conditions of approval; modification or waiver of requirements~~ Special exception: \$425.00 \$457.00
3. Tier II personal wireless service facilities: ~~\$1820.00~~ \$1,957.00

j. Required notice:

1. Preparing and mailing or delivering up to fifty (50) notices: ~~\$200.00~~ \$215.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
2. Preparing and mailing or delivering, per notice more than fifty (50): ~~\$1.00~~ \$1.08 plus the actual cost of first class postage. No fee shall be required for applications submitted under section 30.7.6.
3. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8), or applications submitted under section 30.7.6, for which there shall be no fee.

~~Except as provided in subsection (d)(13), the fee shall be in the form of cash or a check payable to the "County of Albemarle." An application presented without the required fee shall not be deemed to be submitted and shall not be processed, provided that for applications for zoning map amendments and special use permits, the fee shall be paid when the application is determined to be complete. If the zoning administrator determines after a fee has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.~~

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

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

Sec. 35.2 Calculation of fees in special circumstances

~~The provisions of 35.1 notwithstanding, In the special circumstances provided below, the required fee required by section 35.1 shall be calculated in the special circumstances below as follows:~~

- a. Simultaneous review of zoning map amendment or special use permit and supporting initial site plan or preliminary subdivision plat. ~~If an initial site plan or preliminary subdivision plat is supportive of and will be reviewed simultaneously with an application for a zoning map amendment or a special use permit. If a zoning map amendment or special use permit is being simultaneously reviewed with a supporting initial site plan or preliminary subdivision plat, the applicant shall pay the fee for the zoning map amendment or the special use permit, but not the fee for the initial site plan or preliminary subdivision plat.~~
- b. Multiple special use permits to establish a single use. ~~If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for the review of all of the special use permit applications.~~

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

State law reference – Va. Code §§ 15.2-2286(A)(4), 15.2-2286(A)(6), 15.2-2241(9).

Sec. 35.3 Mode and timing for paying fees

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

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

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

State law reference – Va. Code §§ 15.2-2286(A)(4), 15.2-2286(A)(6), 15.2-2241(9).

Sec. 35.34 Fee refunds

If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.

(Ord. 10-18(7), adopted 8-4-10, effective 1-1-11)

State law reference – Va. Code §§ 15.2-2286(A)(4), 15.2-2286(A)(6), 15.2-2241(9).

I, Ella W. Jordan, 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

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Ms. Dittmar	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Sheffield	_____	_____