HANOVER COUNTY BOARD OF SUPERVISORS

MINUTES

Hanover County Administration Building
Board Room

November 10, 2015

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 10th day of November, 2015, at 3:00 p.m.

Present:
Mr. Wayne T. Hazzard, Chairman
Mr. Aubrey M. Stanley, Vice-Chairman
Mr. Sean M. Davis
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
Mr. G.E. “Ed” Via, III
Mr. Elton J. Wade, Sr.
Mr. Cecil R. Harris, Jr., County Administrator
Mr. Sterling E. Rives, III, County Attorney

I. Call to Order

Mr. Hazzard called the meeting to order at 3:01 p.m. All Board members were present.

A. The invocation was given by Mr. Stanley.

B. The Pledge of Allegiance was led by Mr. Wade.

II. Consideration of Agenda Amendments

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens’ time.

III. Citizens’ Time

The Chairman opened citizens’ time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board’s authority that is not on the agenda for that meeting to come forward.

Mr. Ira Seybold, Chickahominy Magisterial District, came forward to speak about prayer meetings and the "Transforming America Through Prayer” movement.
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Seeing no others come forward, the Chairman closed citizens’ time.

IV. Consent Agenda

Mr. Via made a motion to approve the consent agenda as amended, seconded by Mr. Stanley.

Vote:

Wayne T. Hazzard  Aye
Aubrey M. Stanley  Aye
Sean M. Davis  Aye
Angela Kelly-Wiecek  Aye
W. Canova Peterson  Aye
G. E. “Ed” Via, III  Aye
Elton J. Wade, Sr.  Aye

Motion approved.

IV. A. – Request for Adoption of Resolution Establishing 2015 Personal Property Tax Relief

Percentages for Tax Year 2015

Board Sheet Background:

In 2005 the General Assembly amended the Personal Property Tax Relief Act and limited the relief available for local personal property taxpayers. Beginning in tax year 2006 and each successive year, the County will receive $15,002,000 from the Commonwealth of Virginia for car tax relief. The State will make four payments each year as follows: 5% of allocation by August 15; 75% of allocation by November 15; 10% of allocation by February 15; and 10% by May 15.

In conformance with Ordinance 05-30, which implemented these changes in the Personal Property Tax Relief Act of 1998, the Commissioner of the Revenue, in conjunction with the Finance Department and the Treasurer’s office, proposes adoption of the attached resolution. It is recommended that the Hanover County Board of Supervisors establish the percentage of personal property tax relief for 2015 at 100 percent for qualifying vehicles valued at $1,000 or less and at 55 percent for the first $20,000 in value of each qualifying vehicle with a value above $1,000. The Commissioner estimates that these levels of relief will exhaust the funds available from the State for this purpose. In Tax Year 2014 the percentage relief for qualifying vehicles valued at $1,001 or above was 57 percent. The proposed percentage of relief for 2015 allows approximately $70,000 in remaining relief for supplemental tax year 2015 billings that are not included in the 2015 personal property tax roll.
Recommended Action:

Motion to approve resolution establishing personal property tax relief percentages for tax year 2015.

RESOLUTION

PERSONAL PROPERTY TAX RELIEF

WHEREAS the Board of Supervisors adopted Ordinance 05-30 implementing changes in the Personal Property Tax Relief Act of 1998 enacted by the General Assembly in 2005, and

WHEREAS those changes resulted in a fixed amount of funding for the Personal Property Tax Relief program each year, and

WHEREAS the staff has provided estimates to the Board of rates of relief which will use all of the relief available to the County from the State, for tax year 2015, and

WHEREAS the Board establishes the annual rate or rates of relief on the basis of those estimates.

NOW THEREFORE BE IT RESOLVED by the Hanover County Board of Supervisors that the rate of 100% of relief shall be applied to qualifying vehicles valued at $1,000 or less and that the rate of 55% shall be applied to the first $20,000 in value of each vehicle with a value above one thousand dollars. Those rates of relief are estimated to exhaust the state relief available to the County for the tax year 2015, and

BE IT FURTHER RESOLVED that this rate shall be applied to personal property tax bills of qualifying personal use vehicles in accordance with Chapter 22, Article III of the Hanover County Code.

This Resolution shall be effective upon adoption for the tax year 2015.

On motion of Mr. Via, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve this Resolution, as follows:

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V. Presentation – Awards to Sheriff's Office - DMV Click It or Ticket Program

Ms. Melanie Stokes, Occupant Protection Coordinator, DMV Highway Safety Office, came forward to explain the program and present the awards to Hanover County for Highest Seat Belt Use and Most Improved. Following the presentation of the awards, Sheriff Hines expressed his appreciation for the awards and his pride in the seat belt statistics in the county.

VI. Presentation – FY15 Comprehensive Annual Financial Report (CAFR)

Mrs. Kathy Seay, Director, Finance and Management Services came forward and gave this presentation to the Board.

Mr. Peterson left the meeting at 3:14 p.m.

Mr. Peterson returned at 3:16 p.m.

Mrs. Seay reported that the final year-end results for the General Fund were very close to the preliminary projections presented in August. The net change in revenues and expenditures from the preliminary year-end projections is only $10,000. The unassigned fund balance is consistent with the August projection at 12.6% of revenues. This balance is in compliance with the fund balance policy which requires that the unassigned fund balance be maintained at a minimum of 10% of revenues. The General Fund committed fund balance as of June 30, 2015 is remains at $500,000 as approved by the Board of Supervisors for economic development purposes.

The assigned fund balance at June 30, 2015 is approximately $24.5 million. This is slightly lower than reflected in the August projections by $333,000 due to the reclassification of encumbrances and re-appropriations related to State and Federal grants. This amount was reclassified to Restricted Fund Balance. Of the $24.5 million in Fund Balance Assignments, $8.1 million has already been appropriated by the Board for the FY16 budget and assigned for the subsequent five-year financial plans. The remaining assignments for capital projects, education, economic development, and Public Works projects for stormwater and transportation total $16.4 million. The calculated debt ratios as of June 30, 2015 as reported in the CAFR are all within the debt policy guidelines.

Following the presentation, Mrs. Seay recognized the Accounting team lead by Jacob Sumner who prepared the Financial Statements presented.

Tim Conner, Partner with KPMG, LLP, came forward and presented the audit results. He stated he is pleased to report KPMG has reported unmodified, or clean, audit opinions on the various financial statements of Hanover County. There were no significant deficiencies in internal control over financial reporting required to be reported or internal weaknesses.
Mr. Peterson left the meeting at 3:19 p.m.

Before moving to the next item, Mr. Hazzard welcomed Mr. Scott Wyatt and Ms. Faye Prichard, incoming 2016 Board members.

VII. Legislative Agenda Review of VACo’s Adopted Legislative Agenda for the 2016 Session of the Virginia General Assembly

Mr. Sterling Rives, County Attorney, came forward and gave this presentation to the Board. He recommended revising the item pertaining to the use of body worn cameras by law enforcement to read as follows:

- Support legislation to amend Section 2.2-3706(B) of the Virginia Freedom of Information act to clarify that local law enforcement agencies have the authority to withhold from mandatory disclosure under FOIA those records, including body worn camera and dashcam video, that contain identifying information of a personal, medical or financial nature where the release of such information could jeopardize the safety or privacy of any person.
- Support minimizing the requirements of the Records Retention Schedule of the Library of Virginia for the data captured by body worn cameras. Given the large amount of digital data being captured by these cameras and the costs of storage, law enforcement agencies should not be required to retain this data unless it serves a law enforcement, internal affairs investigation or training purpose.

Mr. Peterson returned at 3:25 p.m.

Mr. Rives further detailed the proposed changes regarding body worn cameras. He then answered questions from Board members on the specifics of the matter, including the intent to introduce proposed legislation, whether the FOIA Council will support the changes and the possible outcomes from differing types of public usage.

Mrs. Kelly-Wiecek made a motion to amend the 2016 Legislative Agenda to substitute the item on body worn cameras with the proposed revised language. The motion was seconded by Mr. Via.

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Motion approved.

Mr. Rives continued his presentation. He described several items from VACo’s 2016 Legislative Program including:

**Education:** Increase Education Funding, Composite Index, Appeal Process and Composite Index, Use Value and Funding Support Personnel

**Environmental and Agriculture:** Water Quality Improvement Funding and Hydraulic Fracturing

**Finance:** Fiscal Impact Statements, Funding for State Mandated Positions and Jails, Line of Duty and Reimbursement for Prior “Local Aid to the Commonwealth”.

**General Government:** Election Costs and Districts

**Transportation:** Devolution of Secondary Roads, Local-State Transportation Funding and Cooperation and Revenue Sharing.

Mr. Rives reviewed the 2016 legislative agenda action items, positions on legislation anticipated to come before the 2016 session and legislative policy statements.

Following the presentation, Mr. Rives answered questions from Board members regarding industrial sludge/bio-solids.

**VIII. Presentation - Update on Courthouse Project and Tour (weather permitting)**

Mr. John A. Budesky, Deputy County Administrator, came forward and gave this presentation to the Board. (The tour was not conducted due to inclement weather.) Mr. Budesky reported that there is a construction management team on site every day.

**PROJECT SCOPE:**

- Courthouse consists of over 115,000 gross square feet with two above grade floor levels and a partial basement.
- Total of six finished courtrooms and associated office and support spaces will be housed in the building.
- Build out space for two additional courtrooms in the future.
- The secured entry will have an X-Ray unit and walk-through metal detectors for screening of staff, visitors, and their articles or packages when entering the building.
- Security will also use cameras and glass breakage detection devices.
- The building will be served by six elevators. Two passenger elevators for public use and a third elevator will open off the restricted corridors at all three floor levels and will be used by judges
and other authorized court personnel. Three secure prisoner elevators will serve the holding areas and basement levels.

- Total of six cells and six holding tanks are located in the basement.
- Two lane pull through sally port used to transition prisoners to cells and tanks.

A major milestone, to have the roof installed by the end of December, is still on schedule and it is anticipated that interior work can begin in January. The project is both on time and on budget.

Mr. Budesky answered questions from Board members relating to the square footage of the second floor. Board members expressed their satisfaction in the progress of the project.

The meeting was recessed at 4:13 p.m.
The meeting was reconvened at 7:00 p.m.

IX. Citizens’ Time

The Chairman opened citizens’ time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board’s authority that is not on the agenda for that meeting to come forward.

Reverend Bobby Hulme-Lipper, Reverend Nelson Reveley and Reverend Bob Hetherington, members of the Metro Richmond Clergy Committee, came forward to speak on the need to form a comprehensive bus rapid transit system in the metro region.

Seeing no others come forward, the Chairman closed citizens’ time.

Prior to the public hearings, the Chairman announced that a proclamation would be presented to the Mechanicsville Little League in recognition of their winning the 2015 State Championship. Mr. Peterson and Mr. Wade called the team members and coaches forward and presented them with the proclamation.

PUBLIC HEARINGS

X. Public Hearing - Ordinance No. 15-10-Pawnbrokers, Dealers in Precious Metals and Gems, and Scrap Metal Purchasers

Ms. Katherine Donhauser, Assistant County Attorney, and Major Mike Trice, Hanover Sheriff’s Office, came forward to present the details of this proposed ordinance to the Board. Major Trice described what the ordinance will require and explained that there are 12 business partners
already voluntarily utilizing the electronic system. He answered Board member questions concerning the current lack of any pawnbrokers in the county and clarified that the permitting process is already in place. Ms. Donhauser gave an overview of the legal perspective of the ordinance. Major Trice provided clarification that this ordinance will impact current jewelry businesses who purchase jewelry and the specifics of the electronic reporting requirements. Mr. Rives clarified that it is within the county’s authority to require merchants to use the LEADS Online program.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none the public hearing was closed.

**ORDINANCE NO. 15-10**

AN ORDINANCE AMENDING THE HANOVER COUNTY CODE, CHAPTER 12.5, LAW ENFORCEMENT, TO (1) ADD AN ARTICLE III, PAWNBROKERS, TO PROVIDE FOR LICENSURE AND REPORTING REQUIREMENTS OF PAWNBROKERS CONDUCTING BUSINESS IN HANOVER COUNTY, (2) ADD AN ARTICLE IV, DEALERS IN PRECIOUS METALS AND GEMS, TO PROVIDE FOR PERMIT AND REPORTING REQUIREMENTS OF DEALERS IN PRECIOUS METALS AND GEMS CONDUCTING BUSINESS IN HANOVER COUNTY, AND (3) ADD AN ARTICLE V, SCRAP METAL PURCHASERS, TO PROVIDE FOR REPORTING REQUIREMENTS OF SCRAP METAL PURCHASERS CONDUCTING BUSINESS IN HANOVER COUNTY.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Chapter 12.5, Law Enforcement, shall be amended to add the following sections:

   *Chapter 12.5*

   **LAW ENFORCEMENT**

   **ARTICLE III. PAWNBROKERS**

   **Sec. 12.5-29. Definitions.**

   The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

   *Pawnbroker* means any person who lends or advances money or other things for profit on the pledge and possession of personal property or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the property or other things back to the seller at a stipulated price.

   *Sheriff* means the Sheriff of Hanover County, Virginia, or his designee.
State law reference – Code of Virginia, § 54.1-4000.

Sec. 12.5-30. Penalties.

(a) Criminal penalty. Any licensed pawnbroker who violates any of the provisions of this section, except as otherwise provided in section 12.5-31, shall be guilty of a Class 4 misdemeanor.

(b) Suspension or revocation of license. In addition to the penalty provided in subsection (a) of this section, the court may revoke or suspend the pawnbroker’s license for second and subsequent offenses.

(c) Violation of Virginia Consumer Protection Act. Any violation of this section shall constitute a prohibited practice in accordance with Code of Virginia, § 59.1-200, and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (Code of Virginia, § 59.1-196 et seq.).


Sec. 12.5-31. License.

(a) Required. No person shall engage in the business of a pawnbroker without first obtaining a license from the Sheriff.

(b) Application; issuance. Prior to the issuance of the license, the applicant shall furnish to the Sheriff an order of the Hanover County Circuit Court issued pursuant to Code of Virginia, § 54.1-4001, as amended, authorizing the County to issue the license, and evidence of a bond meeting the requirements set out in section 12.5-36. In addition, the applicant shall complete an application on a form furnished by the Sheriff, which shall require the applicant to furnish:

(1) The applicant’s full name, aliases, address, date of birth, driver’s license number, sex, fingerprints and photograph;

(2) The name, address and telephone number of the applicant’s employer;

(3) A sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges whether within or without the Commonwealth; and

(4) The proposed location of the applicant’s place of business.

(c) Penalty. Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor. Each day’s violation shall constitute a separate offense.


Sec. 12.5-32. Limitation on number of pawnshops.

(a) Not more than three places in the County shall be licensed where the business of a pawnbroker may be conducted.
(b) The Hanover County Circuit Court shall not authorize any license to any pawnbroker after the commissioner of the revenue has filed with the court a statement that the number of licensed pawnshops within the County has reached the maximum number of pawnshops authorized to be operated therein, unless the number has been reduced below the maximum prescribed. In the event that a properly licensed pawnbroker sells his business, the Hanover County Circuit Court shall authorize the Sheriff to issue to the purchaser a new license for the same location if the purchaser has not been convicted of a felony or a crime involving moral turpitude in the last ten years. Prior to the issuance of the license, the purchaser shall furnish his date of birth and such other information as required by the Sheriff.


Sec. 12.5-33. Records of transactions; credentials of persons pawning goods.

(a) Every pawnbroker shall keep at his place of business an accurate electronic record of each loan or transaction occurring in the course of his business, including transactions in which secondhand goods, wares or merchandise are purchased for resale. The account shall be recorded at the time of the loan or transaction, in a format approved by the Sheriff and shall include:

(1) A description, serial number, and a written statement of ownership signed by the pledger of the goods, article or thing pawned or pledged or received on account of money loaned thereon or purchased for resale;

(2) The time, date and place of the transaction;

(3) The amount of money loaned thereon at the time of the pledge or paid as the purchase price;

(4) The rate of interest to be paid on such loan;

(5) The fees charged by the pawnbroker, itemizing each fee charged;

(6) The full name, residence address, telephone number and driver’s license number or other form of identification of the person pawning or pledging or selling the goods, article or thing, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks of such person;

(7) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person pawning, pledging, or selling the goods, article or thing, such as a driver’s license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon.
A digital image of the form of identification used by the person involved in the transaction;

As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and

All other facts and circumstances respecting such loan or purchase.

(b) A pawnbroker shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.

(c) No goods, article or thing shall be pawned or pledged or received on account of money loaned or purchased for resale if the original serial number affixed to the goods, article or thing has been removed, defaced, or altered.

(d) Every pawnbroker shall comply with regulations promulgated by the superintendent of state police specifying:

(1) The nature of the particular description for the purposes of subsection (a)(6) of this section; and

(2) The nature of identifying credentials of the person pawning, pledging, or selling the goods, article or thing. Such identifying credentials shall be examined by the pawnbroker and an appropriate record thereof retained.


Sec. 12.5-34. Daily reports to Sheriff; content.

(a) Every pawnbroker shall prepare an electronic report of all goods, articles or things pawned or pledged with him or sold to him. The electronic report shall be submitted immediately following the pledge or purchase. The Sheriff shall prescribe the contents of the electronic report.

(b) The report shall be submitted in an electronic format as provided by the Sheriff, in accordance with the requirements of the Virginia State Police.


Sec. 12.5-35. Examination of records and property; seizure of stolen goods.

(a) Every pawnbroker and every employee of the pawnbroker shall admit to the pawnbroker’s place of business, during regular business hours, any duly authorized Sheriff’s deputy or any law-enforcement official of the state or federal government. The pawnbroker or employee shall permit the officer to:
(1) Examine all records required by this section or Code of Virginia, Title 54.1, Ch. 40 (Code of Virginia, § 54.1-4000 et seq.), as amended, and any article listed in a record which is believed by the officer to be missing or stolen; and

(2) Search for and seize any article known to him to be missing, or known or believed by him to have been stolen.

(b) The law-enforcement officer shall not take possession of any article without providing to the pawnbroker a receipt.


Sec. 12.5-36. Bond required; private action on bond.

(a) No person shall be licensed as a pawnbroker or engage in the business of pawnbroker without having in existence a bond with surety in the minimum amount of $50,000.00 to secure the payment of any judgment recorded under the provisions of subsection (b).

(b) Any person who recovers a judgment against a licensed pawnbroker for the pawnbroker’s misconduct may maintain an action in his own name upon the bond of the pawnbroker if the execution issued upon such judgment is wholly or partially unsatisfied.


Sec. 12.5-37. Memorandum to be given pledger; fee; lost ticket charge.

Every pawnbroker shall at the time of each loan deliver to the person pawning or pledging anything a memorandum or note, signed by him, containing the information required by section 12.5-33. A lost-ticket fee of $5.00 may be charged, provided that the pawner is notified of the fee on the ticket.

State law reference – Code of Virginia, § 54.1-4004

Sec. 12.5-38. Sale of goods pawned.

No pawnbroker shall sell any pawn or pledge item until it has been in his possession for the minimum term set forth in the memorandum, but not less than 30 days, plus a grace period of 15 days, and a statement of ownership is obtained from the pawner. If a motor vehicle is pawned, the owner of the motor vehicle shall comply with the requirements of Code of Virginia, § 46.2-637. In the event of default by the pawner, the pawnbroker must comply with the requirements of Code of Virginia, § 46.2-636 et seq. All sales of items pursuant to this section may be made by the pawnbroker in the ordinary course of his business.


Sec. 12.5-39. Interest chargeable.
(a) No pawnbroker shall ask, demand or receive a greater rate of interest than ten percent per month on a loan of $25.00 or less, or seven percent per month on a loan of more than $25.00 and less than $100.00, or five percent per month on a loan of $100.00 or more, secured by a pledge of tangible personal property. No loan shall be divided for the purpose of increasing the percentage to be paid to the pawnbroker. Loans may be renewed based on the original loan amount. Loans may not be issued that compound the interest or storage fees from previous loans on the same item.

(b) An annual percentage rate computed and disclosed under the provisions of the federal Truth-in-Lending Act shall not be deemed a violation of this section.


Sec. 12.5-40. Property pawned or purchased not to be disfigured or changed.

No property received on deposit or pledged or purchased by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner,

(a) So long as it continues in pawn or in the possession of the pawnbroker while in pawn; or

(b) In an effect to obtain a serial number or other information for identification purposes.


Sec. 12.5-41. Care of tangible personal property; evaluation fee.

(a) Pawnbrokers shall store, care for and protect all of the tangible personal property in the pawnbroker’s possession and protect the property from damage or misuse. Nothing in this section shall be construed to mean that pawnbrokers are insurers of pawned property in their possession.

(b) A pawnbroker may charge a monthly storage fee for any items requiring storage, which shall not exceed five percent of the amount loaned on such item.


ARTICLE IV. DEALERS IN PRECIOUS METALS AND GEMS

Sec. 12.5-42. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Coin* means any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

*Dealer* means any person engaged in the business of purchasing secondhand precious metals or gems; removing in any manner precious metals or gems from manufactured articles not then owned by the person; or buying, acquiring or selling precious metals or gems removed from manufactured
articles. The term “dealer” includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal. The definition of “dealer” shall not include persons engaged in the following:

1. Purchases of precious metals or gems directly from other dealers, manufacturers, wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this article;
2. Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by the fiduciary;
3. Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in;
4. Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business;
5. Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers or dealers, or by mail originating outside the Commonwealth of Virginia; and
6. Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a byproduct.

**Gem** means any item containing precious or semiprecious stones customarily used in jewelry.

**Precious metal** means any item except coins composed in whole or in part of gold, silver, platinum or platinum alloys.

**Sheriff** means the Sheriff of Hanover County or his designee.

*State law reference – Code of Virginia, § 54.1-4100.*

**Sec. 12.5-43. Penalties.**

(a) **Criminal penalty.** Any person violating any of the provisions of this article shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, he shall be guilty of a Class 1 misdemeanor.

(b) **Revocation of permit.** Upon the first conviction by any court of a person for violation of any provision of this article, the Sheriff may revoke the dealer’s permit to engage in business as a dealer under this article for a period of one full year from the date the conviction becomes final. Upon a second conviction, such revocation shall be mandatory for two full years from the date the conviction becomes final.

*State law reference – Code of Virginia, § 54.1-4109.*
Sec. 12.5-44. Exemptions.

(a) The Sheriff may waive by written notice implementation of any one or more of the provisions of this article, except section 12.5-51, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibition is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.

(b) The provisions of this section do not apply to the sale or purchase of coins.

(c) The provisions of this article do not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary thereof, engaged in buying and selling gold and silver bullion.


Sec. 12.5-45. Permit.

(a) Required. No person shall engage in the County in the activities of a dealer without first obtaining a permit from the Sheriff.

(b) Application; issuance; fee. To obtain a permit, the dealer shall file with the Sheriff an application form which shall include the dealer’s full name, aliases, address, age, date of birth, sex, fingerprints and photograph; the name, address and telephone number of the applicant’s employer, if any; and the location of the dealer’s place of business. Upon filing this application and the payment of an application fee of $200.00, the dealer shall be issued a permit by the Sheriff, provided that the applicant has not been convicted of a felony or a crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to this section.

(c) Duration; renewal. The permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of $200.00. No permit shall be transferable.

(d) Inspection of weighing devices. Before a permit may be issued, the dealer must have all weighing devices used in the business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the Sheriff.

(e) Notification of business closings; location of business. If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the Sheriff of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.
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(f) The Sheriff may waive the $200 permit fee at his discretion.


Sec. 12.5-46. Bond or letter of credit required.

(a) Every dealer shall secure a permit as required by section 12.5-45, and each dealer, at the time of obtaining this permit and before the permit shall be operative, shall enter into a recognizance to the County secured by a corporate surety authorized to do business in the Commonwealth of Virginia, in the penal sum of $10,000.00, conditioned upon due observance of the terms of this section. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth of Virginia a letter of credit in favor of the County for $10,000.00.

(b) A single bond upon an employer or principal may be written or a single letter of credit issued to cover all employees and all transactions occurring in a single location.

State law references – Code of Virginia, § 54.1-4106.

Sec. 12.5-47. Private action for recovery on bond or letter of credit.

Any person aggrieved by the misconduct of any dealer who has violated the provisions of this section may maintain an action for recovery in any court of proper jurisdiction against the dealer and his surety. Recovery against the surety shall be only for that amount of the judgment which is unsatisfied by the dealer.


Sec. 12.5-48. Records of transactions; furnishing of copies and records to Sheriff.

(a) Every dealer shall keep at his place of business an accurate electronic record of each purchase of precious metals or gems and of each transaction involving the removal of precious metals or gems from any manufactured article not then owned by the dealer. The records shall be retained by the dealer for at least 24 months and shall set forth the following:

(1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem and the price paid for each of them;

(2) The date, time and place of receiving the items purchased;

(3) The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and any other identifying marks of the seller or of the person for whom the service of removal of precious metals or gems from any manufactured article not then owned by the dealer is performed;
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(4) Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver’s license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;

(5) A statement of ownership from the seller; and

(6) A digital image of the form of identification used by the person involved in the transaction.

(b) The information required by subsections (a)(1) through (3) of this section shall appear on each bill of sale for all precious metals and gems purchased by the dealer, and notification shall be furnished to the Sheriff instantaneously through an electronic medium as prescribed by the Sheriff.


Sec. 12.5-49. Examination of records and property; seizure of stolen property.

Every dealer or his employee shall admit to his place of business during regular business hours the Sheriff or any law enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to:

(a) Examine all records required by this section and any article listed in a record which is believed by the officer to be missing or stolen; and

(b) Search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen.


Sec. 12.5-50. Credentials and statement of ownership required from sellers.

No dealer shall purchase precious metals or gems without first ascertaining the identity of the seller by requiring an identification issued by a government agency with a picture of the seller thereon and at least one other corroborating means of identification, and obtaining a statement of ownership from the seller. The contents of the statement of ownership shall be prescribed by the Sheriff.


Sec. 12.5-51. Prohibited purchases.

(a) No dealer shall purchase precious metals or gems from any seller who is under 18 years of age.

(b) No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

Sec. 12.5-52. Retention of purchases and serviced items by dealer.

The dealer shall retain all precious metals or gems purchased for a minimum of 15 calendar days from the date on which a copy of the bill of sale is received by the Sheriff. Until the expiration of this retention period, the dealer shall not sell, alter or dispose of the purchased items in whole or in part or remove them from the County. If the dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of 15 calendar days after receiving such article and precious metals or gems.


Sec. 12.5-53. Records of sales.

Each dealer shall maintain for at least 24 months an accurate electronic record of the name and address of the person to whom he sells any precious metal or gem in its original form after the waiting period required by section 12.5-52. This record shall also show the name and address of the seller from whom the dealer purchased such item.

State law reference – Code of Virginia, § 54.1-4105

On motion of Mr. Hazzard, seconded by Mrs. Kelly-Wiecek, the members of the Board of Supervisors voted to approve Ordinance No. 15-10-Pawnbrokers, Dealers in Precious Metals and Gems, and Scrap Metal Purchasers, as follows:

Vote:

Wayne T. Hazzard  Aye
Aubrey M. Stanley  Aye
Sean M. Davis  Aye
Angela Kelly-Wiecek  Aye
W. Canova Peterson  Aye
G. E. “Ed” Via, III  Aye
Elton J. Wade, Sr.  Aye

Prior to the next public hearing, the Chairman announced that Dr. Michael Gill has been appointed as the new Superintendent of Hanover County Schools.

XI. Public Hearing - Ordinance No. 15-15 Revising Hanover County Code Sec. 22-17.1 Regarding the Eligibility of Certain Properties for Land Use Assessment

Mr. Rives came forward to present the details of this proposed ordinance to the Board.

Sec. 22-17.1. - Eligibility of certain properties after change in zoning.

Notwithstanding the provisions of section 22-17:
Roll-back taxes shall not become due for any parcel of real property which has a special assessment as provided for in this division solely because the zoning of the property is changed at the request of the owner or his agent and such change in zoning permits only the following categories of uses:

1. Manufacturing;
2. Transportation and warehousing;
3. Professional, scientific and technical services;
4. Hotels and motels; and
5. Professional offices.

In order for a property located outside of the Town of Ashland to be eligible under this subsection, the board shall make a finding at the time the property is rezoned that all proposed uses fit within the categories described above. In order for property located within the Town of Ashland to remain eligible, the board must make a finding before the rezoning is approved by Town Council that all of the uses permitted under the proposed rezoning fit within these categories.

Following the presentation, Mr. Rives answered Board member questions regarding whether the matters would require a public hearing of the Board.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none the public hearing was closed.

**ORDINANCE 15-15**

**AN ORDINANCE TO AMEND HANOVER COUNTY CODE SECTION 22-17.1 REGARDING THE ELIGIBILITY OF CERTAIN PROPERTIES FOR LAND USE ASSESSMENT AFTER REZONING**

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That Hanover County Code Section 22-17.1, regarding the eligibility of certain properties for land use assessment after rezoning, shall be amended to read in its entirety as follows:

   **Sec. 22-17.1. - Eligibility of certain properties after change in zoning.**

   Notwithstanding the provisions of section 22-17:

   (a) Roll-back taxes shall not become due for any parcel of real property which has a special assessment as provided for in this division solely because the zoning of the property is changed at the request of the owner or his agent and such change in zoning permits only the following categories of uses:

   (1) Manufacturing;
(2) Transportation and warehousing;
(3) Professional, scientific and technical services;
(4) Hotels and motels; and
(5) Professional offices.

In order for property located outside of the Town of Ashland to be eligible under this subsection, the board shall make a finding at the time the property is rezoned that all proposed uses fit within the categories described above. In order for property located within the Town of Ashland to remain eligible, the board must make a finding before the rezoning is approved by Town Council that all of the uses permitted under the proposed rezoning fit within these categories.

(b) Any parcel of real estate that has a change in zoning as described in subsection (a) shall remain eligible for use value assessment and taxation, in accordance with the provisions of this division, so long as the use by which the parcel qualified does not change to a nonqualifying use; and

(c) The imposition of roll-back taxes as described in section 22-17 shall occur when the use by which it qualified changes to a nonqualifying use.

(d) The use of the property will be deemed to have changed to a nonqualifying use when the physical attributes of the property is modified so as to effectively discontinue the qualifying use or upon issuance of a building permit for a nonqualifying use, whichever occurs first.

2. This ordinance shall be effective on the date of adoption.

On motion of Mr. Hazzard, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance No. 15-15 Revising Hanover County Code Sec. 22-17.1 Regarding the Eligibility of Certain Properties for Land Use Assessment, as follows:

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Wayne T. Hazzard</td>
<td>Aye</td>
</tr>
<tr>
<td>Aubrey M. Stanley</td>
<td>Aye</td>
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<tr>
<td>Sean M. Davis</td>
<td>Aye</td>
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<tr>
<td>Angela Kelly-Wiecek</td>
<td>Aye</td>
</tr>
<tr>
<td>W. Canova Peterson</td>
<td>Aye</td>
</tr>
<tr>
<td>G. E. “Ed” Via, III</td>
<td>Aye</td>
</tr>
<tr>
<td>Elton J. Wade, Sr.</td>
<td>Aye</td>
</tr>
</tbody>
</table>
XII. Planning Public Hearings

A. Ordinance 15-11 – Civil Penalties

An ordinance to amend the Hanover County Code, Chapter 26, Zoning Ordinance, by amending Sections 26-347, 26-348, and 26-349, and by relocating the provisions of current Section 26-349 into a new Section numbered 26-350, to provide that violations of the Hanover County Zoning Ordinance shall be punished by a civil penalty, in accordance with the following:

1. The amount of the Civil Penalty shall be Two Hundred Dollars ($200.00) for an initial violation and Five Hundred Dollars ($500.00) for subsequent violations,

2. Civil Penalties shall not be used for violations that:
   a. Result in injury to any person,
   b. Are for activities related to land development, or
   c. Are related to the posting of signs on public property or public rights-of-way.

3. Civil Penalties shall be in lieu of Criminal Penalties, except for those violations which are listed above as exempt from Civil Penalties and in those situations where the amount of Civil Penalties for a repeated violation exceed Five Thousand Dollars ($5,000.00).

Mr. Dennis Walter, Deputy County Attorney, came forward to present the details of this proposed ordinance to the Board. The current enforcement mechanism uses criminal penalties. The General Assembly has given authority for localities to use civil penalties as an alternatives to violations other than the following:

   a) Result in injury to any person
   b) Are for activities related to land development, or
   c) Are related to the posting of signs on public property or public rights-of-way

Mr. Walter explained the procedural and enforcement benefits to the county in changing from criminal to civil penalties.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none the public hearing was closed.

ORDINANCE 15-11
AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, CHAPTER 26, ZONING ORDINANCE, BY AMENDING SECTIONS 26-347, 26-348, AND 26-349, AND BY RELOCATING THE PROVISIONS OF CURRENT SECTION 26-349 INTO A NEW SECTION NUMBERED 26-350, TO PROVIDE THAT VIOLATIONS OF
THE HANOVER COUNTY ZONING ORDINANCE SHALL BE PUNISHED BY A CIVIL PENALTY, IN ACCORDANCE WITH THE FOLLOWING:

1. THE AMOUNT OF THE CIVIL PENALTY SHALL BE TWO HUNDRED DOLLARS ($200.00) FOR AN INITIAL VIOLATION AND FIVE HUNDRED DOLLARS ($500.00) FOR SUBSEQUENT VIOLATIONS,

2. CIVIL PENALTIES SHALL NOT BE USED FOR VIOLATIONS THAT:
   a. RESULT IN INJURY TO ANY PERSON,
   b. ARE FOR ACTIVITIES RELATED TO LAND DEVELOPMENT, OR
   c. ARE RELATED TO THE POSTING OF SIGNS ON PUBLIC PROPERTY OR PUBLIC RIGHTS, OF WAY.

3. CIVIL PENALTIES SHALL BE IN LIEU OF CRIMINAL PENALTIES, EXCEPT FOR THOSE VIOLATIONS WHICH ARE LISTED ABOVE AS EXEMPT FROM CIVIL PENALTIES AND IN THOSE SITUATIONS WHERE THE AMOUNT OF CIVIL PENALTIES FOR A REPEATED VIOLATION EXCEED FIVE THOUSAND DOLLARS ($5,000.00)

WHEREAS the Hanover County Zoning Ordinance contains regulations for the use of property within Hanover County and provisions for how violations of the Zoning Ordinance are to be punished; and

WHEREAS with the exception of certain provisions related to signs and screening requirements, the Zoning Ordinance currently provides that violations are to be punished as criminal misdemeanors, in accordance with the provisions of Section 15.2-2286 of the Code of Virginia; and

WHEREAS the Hanover County Board of Supervisors has a long-established policy to focus enforcement efforts on ways to bring properties in violation into compliance with the provisions of the Zoning Ordinance in an efficient manner; and

WHEREAS the Board finds that the current enforcement structure (1) is not the most effective mechanism through which to encourage property owners or other violators to correct outstanding violations, (2) does not fully utilize the expertise of the Hanover County Board of Zoning Appeals, and (3) provides procedural hurdles which create unnecessary costs and delays to the enforcement process; and

WHEREAS Section 15.2-2209 of the Code of Virginia provides that the provisions of a local zoning ordinance can be enforced through the use of civil penalties rather than criminal penalties; and

WHEREAS the Code of Virginia provides that a local governing body that adopts the use of civil penalties shall establish a uniform schedule of civil penalties for violations of specified provisions of the locality’s zoning ordinance; and

WHEREAS the Hanover County Planning Department and the Hanover County Attorney’s Office, who investigate and prosecute zoning violations, have determined that the use of civil penalties will further the Board of Supervisors’ stated policy regarding enforcement, will result in a more
effective enforcement procedure, and will result in efficiencies that will benefit the citizens of Hanover County;

WHEREAS the Board has determined that the adoption of civil penalties for violations of the Zoning Ordinance is consistent with its policy and will help to ensure that the regulations contained in the Zoning Ordinance are applied in a consistent and fair manner; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended in accordance with these findings;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Zoning Ordinance, Section 26-347, regarding violations of the provisions of the Zoning Ordinance, shall be amended to read as follows:

Section 26-347. - Violation of provisions of Zoning Ordinance; notice of violation.

(a) Any person, whether the owner, lessee, principal, agent, employee or otherwise, who violates or fails to comply with any of the provisions or requirements of this Zoning Ordinance including, but not limited to, provisions of the district regulations, proffers accepted by the Board, or conditions of approval imposed by the Board, or the improvement, development or alteration of any site in violation of any plan approved pursuant to this Article, shall be subject to the following:

(1) A civil penalty, as provided for in Section 26-348; or

(2) Criminal penalties, as provided for in Section 26-349, when:

a. The amount of civil penalties for a series of violations arising from the same set of operative facts exceeds five thousand dollars ($5,000.00), or

b. A violation results in injury to any person.

(b) If the zoning administrator determines that a violation of the Zoning Ordinance has occurred, a notice of violation shall be issued to a person or entity responsible for such violation; provided that a notice of violation shall not be required when the zoning administrator or his designee issue a ticket as set forth in Section 26-348. A notice of violation shall include the following information:

(1) the date of the notice;

(2) the basis for the decision;

(3) a statement informing the recipient that the decision may be appealed to the board of zoning appeals within applicable appeal period and that the decision shall be final and unappealable if it is not timely appealed; and
(4) the time within which the violation shall be abated.

The notice shall be either hand delivered, posted on the door of a building on the site, or mailed by regular or certified mail, provided that notice to the property owner, sent by certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this section. In addition, if the notice of violation is issued to a person other than the property owner, a copy of the notice shall also be sent to the owner of the property.

2. That the Hanover County Code, Zoning Ordinance, Section 26-248, regarding civil penalties, shall be amended to read as follows:

Section 26-348. - Civil penalties.

   (a) Any person who violates or fails to comply with any of the provisions or requirements of the Zoning Ordinance as described in Section 26-347 shall be subject to a civil penalty of two hundred dollars ($200.00) for the initial summons or ticket, and a civil penalty of five hundred dollars ($500.00) for each additional summons or ticket arising from the same set of operative facts.

   (b) Proceedings seeking civil penalties for all violations of the Zoning Ordinance shall commence either by the filing of a civil summons in the general district court or by issuance of a ticket by the zoning administrator or his designee. A ticket shall only be issued when, in the judgment of the zoning administrator or his designee, the violation can be corrected immediately and the violator has failed to do so after being given a reasonable opportunity to do so.

   (c) Each day during which any violation exists shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative fact be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of five thousand dollars ($5,000.00).

   (d) The designation of a particular violation of this Ordinance as a violation punishable by a civil penalty shall be in lieu of criminal sanctions and except for any violation resulting in injury to any person or persons or where the amount of civil penalties for a series of violations arising from the same set of operative facts has exceeded five thousand dollars ($5,000.00); such designation shall preclude the prosecution of a violation as a criminal misdemeanor.

   (e) A civil summons or ticket issued shall contain the following information:

      1. The name and address of the person charged.
      2. The nature of the violation and the Ordinance provision(s) being violated.
      3. The location, date and time that the infraction occurred or was observed.
4. The amount of the civil penalty assessed for the violation.

5. The manner, location and time in which the civil penalty may be paid to the County.

6. The right of the recipient of a civil summons to elect to stand trial for the violation, and either the date scheduled for such trial or the date for scheduling of such trial by the court.

   (f) The summons or ticket shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Hanover County Treasurer's Office at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court; however, an admission shall not be deemed a criminal conviction for any purpose.

   (g) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

   (h) The total civil penalties from a series of violations arising from the same set of operative facts shall not exceed five thousand dollars ($5,000.00). After the civil penalties reach the five thousand dollar ($5,000.00) limit, the violation may be prosecuted as a criminal misdemeanor under Section 26-349.

   (i) If the violation remains uncorrected at the time of the admission of liability or finding of liability, the Court may order the violator to abate or remedy the violation in order to comply with the Zoning Ordinance. Except as otherwise provided by the Court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the Court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the Court-ordered abatement period has ended shall constitute a separate offense.

   (j) Civil penalties are in lieu of criminal penalties. A violation enforced under this section and Section 26-347 shall be in lieu of any criminal penalty except as provided in Section 26-347(a)(2) and, except for any violation resulting in injury to any person, such a designation shall preclude the prosecution of the particular violation as a criminal misdemeanor. The remedies provided for in this
Section are otherwise cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(k) This section shall not be construed to allow the imposition of civil penalties for

1. Activities related to land development where, for the purposes of this section, the term “land development” means a human-made change to, or construction on, the land surface including, but not limited to, land disturbing activity within the meaning of chapter 10 of the Hanover County Code or the construction of buildings, structures or improvements under an approved site plan or subdivision plat, but does not mean the land development project’s compliance with this chapter; and

2. The violation of any provision of the Hanover County Code relating to the posting of signs on public property or public rights-of-way.

3. That the Hanover County Code, Zoning Ordinance shall be amended by the insertion of a new section, to be numbered Section 26-349 after adoption of this ordinance, regarding criminal penalties for zoning violations, shall be amended to read as follows:

Section 26-349 Criminal penalties.

Any person who violates or fails to comply with any of the provisions or requirements of the Zoning Ordinance as set described in Section 26-347 and:

1. the violation or failure to comply results in injury to any person, or

2. the violation or failure to comply occurs after the five thousand dollar ($5,000.00) maximum aggregate civil penalty provided in Section 26-347 has been reached, shall have committed a misdemeanor offense punishable by a fine of not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00). If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period, punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand five hundred dollars ($1,500.00).

4. That the Section 26-349 of the Hanover County Zoning Ordinance, titled “Reconsideration of order, requirement, decision or determination,” which was in effect prior to the adoption of this
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Ordinance shall be renumbered to Section 26-350, but the provisions of the section shall not be otherwise amended.

5. That this ordinance shall be effective on January 1, 2016.

On motion of Mr. Via, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance 15-11 – Civil Penalties, as follows:

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<tr>
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B. Ordinance 15-12 – Residential Setbacks

An ordinance to amend the Hanover County Code, Chapter 26, Zoning Ordinance, as follows:

1. To amend Section 26-6, to modify the definition of “front yard”, “yard measurement”, “rear yard”, “required yard” and “side yard”, to provide that, in residential zoning districts, properties shall contain a front yard and a rear yard while business and industrial districts continue to consist of a front yard, side yard, and rear yard;

2. To amend Sections 26-26, 26-40, 26-52, and 26-63, to modify the yard requirements in the A-1, Agricultural District, the AR-6, Agricultural Residential District, the RC, Rural Conservation District, and the RS, Single-Family Residential District, respectively, to provide that there shall be requirements for side setbacks in front yards rather than requirements for side yards;

3. To amend Section 26-59, to conform the regulations applicable to conditional uses in the RS, Single-Family Residential District to the amended definitions of front yard and rear yard;

4. To amend Section 26-243, to conform the definitions applicable to side yards to reflect the changes being made to the definitions of front yard, side yard, and rear yard;

5. To amend Section 26-247, to amend the regulations applicable to accessory buildings and pools to reflect the changes being made to the definitions of front yard, side yard, and rear yard; and
6. To provide that the changes being made to the definition of front yard, side yard, and rear yard shall be applicable to the district regulations applicable to those residential districts which have been repealed by the Board of Supervisors.

Mr. Maloney presented the details of this proposed ordinance to the Board. He explained that the ordinance came about as a result of a lack of clarity within the existing definitions, and a lack of clarity in the methodology used to determine yards. Following the presentation Mr. Maloney answered Board member questions and provided clarification as to where trailers can be stored.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none the public hearing was closed.

**ORDINANCE 15-12**

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, CHAPTER 26, ZONING ORDINANCE, AS FOLLOWS:

7. TO AMEND SECTION 26-6, TO MODIFY THE DEFINITION OF “FRONT YARD”, “YARD MEASUREMENT”, “REAR YARD”, “REQUIRED YARD” AND “SIDE YARD”, TO PROVIDE THAT, IN RESIDENTIAL ZONING DISTRICTS, PROPERTIES SHALL CONTAIN A FRONT YARD AND A REAR YARD WHILE BUSINESS AND INDUSTRIAL DISTRICTS CONTINUE TO CONSIST OF A FRONT YARD, SIDE YARD, AND REAR YARD;


10. TO AMEND SECTION 26-59, TO CONFORM THE REGULATIONS APPLICABLE TO CONDITIONAL USES IN THE RS SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AMENDED DEFINITIONS OF FRONT YARD AND REAR YARD;

11. TO AMEND SECTION 26-243, TO CONFORM THE DEFINITIONS APPLICABLE TO SIDE YARDS TO REFLECT THE CHANGES BEING MADE TO THE DEFINITIONS OF FRONT YARD, SIDE YARD, AND REAR YARD;

12. TO AMEND SECTION 26-247, TO AMEND THE REGULATIONS APPLICABLE TO ACCESSORY BUILDINGS AND POOLS TO REFLECT THE CHANGES BEING MADE TO THE DEFINITIONS OF FRONT YARD, SIDE YARD, AND REAR YARD; AND
13. TO PROVIDE THAT THE CHANGES BEING MADE TO THE DEFINITION OF FRONT YARD, SIDE YARD, AND REAR YARD SHALL BE APPLICABLE TO THE DISTRICT REGULATIONS APPLICABLE TO THOSE RESIDENTIAL DISTRICTS WHICH HAVE BEEN REPEALED BY THE BOARD OF SUPERVISORS.

WHEREAS the Hanover County Zoning Ordinance regulates the required areas of properties throughout the County; and

WHEREAS Planning Department staff have determined that the area and lot regulations applicable to residential properties could be clarified to provide for greater understanding by property owners and to ensure equal treatment of residential properties throughout the County; and

WHEREAS staff has determined that modifications to the definition of “front yard,” side yard,” and “rear yard” would result in minor changes to the regulations applicable to residential properties and would help to make these regulations more clear to the public; and

WHEREAS staff also has determined that the regulations applicable to business and industrial properties is appropriate and that there is no current need to amend the yard regulations applicable to these properties; and

WHEREAS the Board has determined that the these proposed changes are consistent with the intent of the zoning regulations for the residential zoning districts and would improve the orderly development of residential properties throughout the County; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended in accordance with these findings;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Zoning Ordinance, Section 26-6, regarding definitions in the Zoning Ordinance, shall be amended to read as follows:

Section 26-6. - Definitions.

For the purpose of this Ordinance, certain terms and words are hereby defined:

*   *   *

Yard, front: An area between the front lot line and a perpendicular line drawn from the building line to each side lot line at a point on the building closest to the front lot line. In no case shall the front yard depth be less than the required front yard, nor shall any portion of the structure extend into the required front yard, except as provided in Section 26-242(d).
Yard measurement: In measuring a yard, the building line shall be deemed to mean a line parallel to the nearest lot line drawn through the closest point of a building, or the closest point of a group of buildings.

Yard, rear: (1) In business and industrial districts: an area extending across the full width of a lot and lying between the rear lot line and the closest point of the primary structure (extended in both directions to the side lot lines) provided the depth of the rear yard is not less than the depth of the required rear yard.

(2) In residential districts: the rear yard shall include all portions of the lot or property which not a part of the front yard.

Yard, required: The area between the minimum setback and the front and rear property lines, respectively.

Yard, side: In business and industrial districts: the area between the front yard and the rear yard lying between a side lot line and the nearest part of the primary building.

2. That the Hanover County Code, Zoning Ordinance, Section 26-19, regarding permitted accessory uses in the A-1 Agricultural District, shall be amended to read as follows:

Section 26-19. - Permitted accessory uses.

1. Accessory uses as follows on a farm of ten (10) acres or more:
   a. Accessory structures for sale or processing of farm products raised on the premises.
   b. Accessory, open or enclosed storage of farm materials, products, or equipment.
   c. Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
   d. Dwellings for persons permanently employed on the premises.

2. Domestic storage in main building or in accessory building.

3. Garage, private. On properties located within the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan, a private garage may house no more than four (4) vehicles.

4. Guest houses.

5. Home occupations in a main building, in accordance with the standards of section 26-279.
6. Keeping of small animals, insects, reptiles, fish, or birds, but only for personal enjoyment or household use and not for a business, as an accessory to a nonfarm dwelling on a lot of not less than two (2) acres.

7. Domestic employees' quarters.

8. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:
   a. On all properties:
      i. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
      ii. The vehicle is not used for commercial purposes; and
      iii. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area; and
   b. On properties containing twenty (20) or more acres, the vehicle may also be stored in the front yard so long as the vehicle is not stored within the required front yard.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

9. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

10. Signs as regulated in division 7 of article 5.

11. Temporary buildings, the uses of which are incidental to construction operation during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

12. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than two-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
13. The location of office or construction trailers for a period not to exceed one (1) year.
15. Foster home.
16. Vending machines, when used in conjunction with a permitted commercial use. All machines shall be contained within a building or other enclosure and shall not be accessible to the public outside of normal business hours.
17. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
   a. The existing structure shall be in compliance with all currently applicable regulations.
   b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
   c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
   d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
   e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
18. Pony rings.
19. Family day homes.
20. Temporary family health care structures, as permitted in section 26-281.
3. That the Hanover County Code, Zoning Ordinance, Section 26-26, regarding yard requirements in the A-1 Agricultural District, shall be amended to read as follows:
Section 26-26. - Yard requirements.

<table>
<thead>
<tr>
<th></th>
<th>Minimum in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front Yard</td>
</tr>
<tr>
<td>1. Single-family dwelling on the following proposed rights-of-way:</td>
<td></td>
</tr>
<tr>
<td>(a) 160 ft. rights-of-way</td>
<td>125</td>
</tr>
<tr>
<td>(b) 80 ft. rights-of-way</td>
<td>100</td>
</tr>
<tr>
<td>(c) 60 ft. rights-of-way</td>
<td>70</td>
</tr>
<tr>
<td>(d) 50 ft. rights-of-way</td>
<td>60</td>
</tr>
</tbody>
</table>

Proposed rights-of-way are those designated by the major thoroughfare plan.

2. (a) Stable, public: Side setback and rear yard: minimum 200 feet
   (b) Stable, private: Side setback and rear yard: minimum 100 feet

3. Other structures same or as required in district regulations.

4. That the Hanover County Code, Zoning Ordinance, Section 26-34, regarding permitted accessory uses in the AR-6 Agricultural Residential District, shall be amended to read as follows:

Section 26-34. - Permitted accessory uses.

1. Accessory uses as follows on a farm of ten (10) acres or more:
   a. Accessory structures for sale or processing of farm products raised on the premises.
   b. Accessory, open or enclosed storage of farm materials, products, or equipment.
   c. Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.
   d. Dwellings for persons permanently employed on the premises.

2. Domestic storage in main building or in accessory building.


4. Guest houses.

5. Home occupations in a main building in accordance with the standards of section 26-279.
6. Keeping of small animals, insects, reptiles, fish, or birds, but only for personal enjoyment or household use and not for a business, as an accessory to a nonfarm dwelling on a lot of not less than two (2) acres.

7. Domestic employees' quarters.

8. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:
   a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
   b. The vehicle is not used for commercial purposes; and
   c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

9. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

10. Signs as regulated in division 7 of article 5.

11. Temporary buildings, the uses of which are incidental to construction operation during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

12. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

13. The location of office or construction trailers for a period not to exceed one (1) year.


15. Foster home.

16. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
a. The existing structure shall be in compliance with all currently applicable regulations.

b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.

c. The arrays shall not cause any interference with, or adverse impact on, the county’s communications system.

d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.

e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

17. Pony rings.

18. Family day homes.

19. Temporary family health care structures, as permitted in section 26-281.

5. That the Hanover County Code, Zoning Ordinance, Section 26-40, regarding yard requirements in the AR-6 Agricultural Residential District, shall be amended to read as follows:

Section 26-40. - Yard requirements.

<table>
<thead>
<tr>
<th></th>
<th>Minimum in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front Yard</td>
</tr>
<tr>
<td></td>
<td>Side Setback (Front Yard), Minimum</td>
</tr>
<tr>
<td></td>
<td>Side Setback (Front Yard), Aggregate</td>
</tr>
<tr>
<td></td>
<td>Rear Yard</td>
</tr>
<tr>
<td>1. Single-family dwelling on the following proposed rights-of-way:</td>
<td></td>
</tr>
<tr>
<td>(a) 160 ft. rights-of-way</td>
<td>125</td>
</tr>
<tr>
<td>(b) 80 ft. rights-of-way</td>
<td>100</td>
</tr>
<tr>
<td>(c) 60 ft. rights-of-way</td>
<td>70</td>
</tr>
<tr>
<td>(d) 50 ft. rights-of-way</td>
<td>60</td>
</tr>
</tbody>
</table>
2. Other structures same or as required in district regulations.

Note: Ultimate rights-of-way are those designated by the major thoroughfare plan.

6. That the Hanover County Code, Zoning Ordinance, Section 26-44, regarding permitted accessory uses in the RC Rural Conservation District, shall be amended to read as follows:

**Section 26-44. - Permitted accessory uses.**

The following accessory uses and structure shall be permitted:

(a) Uses of residential lots:

1. Domestic storage in a main building or an accessory building.
2. Private garages.
3. Guest houses.
4. Home occupations in a main building, in accordance with the standards of section 26-279.
5. Keeping of companion animals, but only for personal enjoyment or household use, and not as a business.
6. Quarters for domestic employees.
7. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:
   a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
   b. The vehicle is not used for commercial purposes; and
   c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

8. Swimming pools and game courts, lighted or unlighted, for use of occupants or their guests.
9. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining lot and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.

10. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

11. Construction trailers for a period not to exceed one (1) year.

12. Foster home.

13. Family day homes.

14. Temporary family health care structures, as permitted in section 26-281.

(b) Uses of preservation lots:

1. When a preservation lot is improved with a residence, the accessory uses specified in section 26-44 shall be permitted. Upon a finding by the Board that the public interest will be served by the preservation of multiple structures, more than one (1) main building may be permitted on a preservation lot.

2. On parcels of ten (10) acres or more in area used for agricultural purposes: structures for sale of farm products raised on the premises; open or enclosed storage of farm materials, products or equipment; farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.

3. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same parcel and which shall be removed upon completion or abandonment of such construction, or the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.

4. Accessory off-street parking and loading spaces.

5. Construction trailers for a period not to exceed one (1) year from issuance of building permit for the trailer.

6. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
a. The existing structure shall be in compliance with all currently applicable regulations.

b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.

c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.

d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.

e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

7. Dog kennels, noncommercial, as an accessory to and located within the building envelope for a residence; provided any open pens, runs, cages or kennels or any place for keeping more than five (5) adult dogs shall be located at least two hundred (200) feet from any side or rear lot lines.

7. That the Hanover County Code, Zoning Ordinance, Section 26-52, regarding yard requirements in the RC Rural Conservation District, shall be amended to read as follows:

**Section 26-52. - Yard requirements.**

<table>
<thead>
<tr>
<th></th>
<th>Minimum in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front Yard</td>
</tr>
<tr>
<td>Single-family dwelling:</td>
<td>15</td>
</tr>
</tbody>
</table>

Note: All other structures shall meet the requirements specified in the A-1, agricultural district unless modified by the regulations of this District or of article 5.
8. That the Hanover County Code, Zoning Ordinance, Section 26-58, regarding Permitted Accessory Uses in the RS Single-Family Residential District, shall be amended to read as follows:

Section 26-58. - Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.
2. Garage, private.
3. Home occupations in a main building, in accordance with section 26-279.
4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
5. Storage of recreational vehicles, utility trailers, boat trailers and similar vehicles, in the driveway for the residence or in the rear yard, in accordance with the following:
   a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
   b. The vehicle is not used for commercial purposes; and
   c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of residents or their guests.
7. Signs as regulated in division 7 of article 5.
8. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
9. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
10. The location of office or construction trailers for a period not to exceed one (1) year.
11. Foster home.

12. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
   a. The existing structure shall be in compliance with all currently applicable regulations.
   b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
   c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
   d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
   e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

13. Family day homes.

14. Temporary family health care structures, as permitted in section 26-281.

9. That the Hanover County Code, Zoning Ordinance, Section 26-59, regarding Conditional Uses in the RS Single-Family Residential District, shall be amended to read as follows:

Section 26-59. - Conditional uses.

The following uses may be permitted as conditional uses:

1. Camps, day or boarding, private or commercial.
2. Institutions, educational or philanthropic, including museums, art galleries and libraries.
3. Private clubs.
4. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated in accordance with the standards of section 26-299.

7. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

10. Business or professional office use in an existing residential structure. For any such use, the following standards shall apply:
   a. All required parking shall be located only within the rear yard;
   b. All required parking shall be landscaped in accordance with the provisions of section 26-192;
   c. All required parking shall be screened in accordance with the provisions of section 26-263;
   d. There shall be no outdoor storage of materials or vehicles used in the conduct of business on the site; and
   e. There shall be no more than one detached sign permitted, limited to no more than ten (10) square feet, advertising the business or professional office use. Any such sign shall be lighted internally.

10. That the Hanover County Code, Zoning Ordinance, Section 26-63, regarding yard requirements in the RS Single-Family Residential District, shall be amended to read as follows:
Section 26-63. - Yard requirements.

<table>
<thead>
<tr>
<th>Dwelling units:</th>
<th>Minimum in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front Yard</td>
</tr>
<tr>
<td>Base density:</td>
<td>50</td>
</tr>
<tr>
<td>Higher densities:</td>
<td>15</td>
</tr>
</tbody>
</table>

Notes:

1. When detached garages are constructed in the rear yard on any lot in a district where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side setback. The minimum rear yard shall be five (5) feet.
2. All other structures and uses shall meet the requirements specified in the A-1, agricultural district, or as otherwise specified in the zoning ordinance.
3. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

11. That the Hanover County Code, Zoning Ordinance, Section 26-71, regarding Permitted Accessory Uses in the RM Multi-Family Residential District, shall be amended to read as follows:

Section 26-71. - Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.
2. Garage, private.
3. Garage, located in central parking areas, for use by residents.
4. Home occupations in a main building, except for retail sales businesses, in accordance with the standards of section 26-279.
5. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
6. Storage of recreational vehicles, utility trailers, boat trailers, and similar vehicles, in (i) parking areas specifically designated and designed for such use, and (ii) where driveways are used, in the driveway for the residence or in the rear yard, in accordance with the following:
   a. The vehicle has displayed thereon valid license plates and a valid inspection decal as required by state law for operation on public highways;
   b. The vehicle is not used for commercial purposes; and
c. In situations where the vehicle is parked in the driveway, the vehicle is located entirely within the improved area.

For the purposes of this section, the term "driveway" shall mean a single improved roadway (1) which provides access for vehicles from a public or private road to a parking space, garage, or dwelling or which is directly connected to the improved area, and (2) which has received all required approvals from the Virginia Department of Transportation.

7. Golf courses, accessory to dwellings in the district.

8. Active and passive recreation facilities for the exclusive use of the homeowners and their guests.

9. Signs as regulated in division 7 of article 5.

10. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

11. Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

12. The location of office or construction trailers for a period not to exceed one (1) year.

13. Foster home.

14. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
   a. The existing structure shall be in compliance with all currently applicable regulations.
   b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the
director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.

c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.

d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.

e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

15. Family day homes.

16. Temporary family health care structures, as permitted in section 26-281.

12. That the Hanover County Code, Zoning Ordinance, Section 26-243, regarding regulations applicable to Side Yards, shall be renamed and amended to read as follows:

Section 26-243. – Residential side setbacks and nonresidential side yards.

(a) Open, unenclosed porches, platforms, or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the required side setback not more than six (6) feet.

(b) Where a building in a commercial district is subject to the height, area, and bulk requirements applicable to residential development under section 26-248(b), the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than twenty-five (25) percent of its area used for dwelling. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.

(c) For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

(d) The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semipublic buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or industrial district, in which case, the depth of the yard shall be as required in the district regulations for the district in which the building is located.
13. That the Hanover County Code, Zoning Ordinance, Section 26-247, regarding regulations applicable to Accessory buildings and pools, shall be amended to read as follows:

Section 26-247. - Accessory buildings and pools.

(a) Except as herein provided, no accessory building shall project beyond a required yard line along any street.

(b) Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided such accessory building does not occupy more than thirty (30) percent of the area of the required rear yard and provided it is not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.

(c) When a lot is so located as to have contiguous boundaries with the rear lot lines of all adjoining lots, accessory structures may be placed anywhere on the lot; provided that no structure may be closer than five (5) feet to any lot line.

(d) Accessory swimming pools, open and unenclosed, may occupy a required rear yard, provided the edge of water is not located closer than six (6) feet to a rear lot line or ten (10) feet to a side lot line. A walk space at least three (3) feet wide shall be provided between pool walls and protective fences or barrier walls.

14. That the district regulations for the AR-1 Agricultural Residential District, the AR-2 Agricultural Residential District, the R-1 Single-Family Residential District, the R-2 Single-Family Residential District, the R-3 Single-Family Residential District, the R-4 Residential Cluster Development District, and the R-5 Multiple-Family Residential Districts shall be amended to conform to the definitions of “front yard” and “rear yard” as provided in this Ordinance.

15. This ordinance shall be effective on the date of adoption.

On motion of Mr. Hazzard, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance 15-12 – Residential Setbacks, as follows:

<table>
<thead>
<tr>
<th>Vote:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne T. Hazzard</td>
<td>Aye</td>
</tr>
<tr>
<td>Aubrey M. Stanley</td>
<td>Aye</td>
</tr>
<tr>
<td>Sean M. Davis</td>
<td>Aye</td>
</tr>
<tr>
<td>Angela Kelly-Wiecek</td>
<td>Aye</td>
</tr>
<tr>
<td>W. Canova Peterson</td>
<td>Aye</td>
</tr>
<tr>
<td>G. E. “Ed” Via, III</td>
<td>Aye</td>
</tr>
<tr>
<td>Elton J. Wade, Sr.</td>
<td>Aye</td>
</tr>
</tbody>
</table>

45
C. Ordinance 15-13 – Performance Agreements for Required Zoning Improvements

An ordinance to amend the Hanover County Code, Chapter 26, Zoning Ordinance, Sections 26-61, 26-68, 26-77 and 26-78, to modify the requirements in the RS, Single-Family Residential District and the RM, Multi-Family Residential District regarding the timing of the installation of street trees and sidewalks within these zoning districts and to allow greater flexibility in the location of street trees required to be installed as part of the applicable district regulations.

Mr. Maloney presented the details of this proposed ordinance to the Board.

- The Community Development Committee recommended that draft Ordinance 15-13 proceed to public hearing
- In 2011, the zoning ordinance was modified to allow developers to post a bond for the installation of street trees, pedestrian paths and street lights in the RS and RM Districts
  - Prior to the 2011 amendment, these improvements were governed under the subdivision ordinance which created unique challenges for both the County and developers
- Developers requested consideration of an adjustment in the thresholds at which all required improvements (mostly sidewalks and street trees) must be installed in order for the developer to avoid being in default
- The draft Ordinance provides some additional flexibility in the location of required trees
  - Allows greater design flexibility to ensure attractive communities

Following the presentation, Mr. Maloney clarified for the Board that the ordinance does not reduce the number of required trees.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward.

Ms. Faye Bland, South Anna Magisterial District, came forward to speak in favor of encouraging developers to plant more than the required number of trees.

Ms. Carolyn Cook, Beaverdam Magisterial District, came forward to state that the developers should be required to plant additional trees.

Seeing no others come forward the public hearing was closed.

Board members had a discussion concerning uniformity to ensure the quality is in keeping with what the citizens expect. Mr. Maloney provided further clarification on what will be required of developers if the ordinance is passed as opposed to what is required now. Mrs. Kelly-Wiececk indicated her intention to move for a modification to the proposed ordinance to eliminate the definition...
of street segment and eliminate the ability to cluster required trees within said street segments. The modification will be applicable to both the RS and RM zoning districts. Board members had further discussion as to what this will require of developers. Mr. Maloney clarified that the modified ordinance will require trees to be developed on certain undeveloped lots.

**ORDINANCE 15-13**

**AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, CHAPTER 26, ZONING ORDINANCE, SECTIONS 26-61, 26-68, 26-77, AND 26-78, TO MODIFY THE REQUIREMENTS IN THE RS SINGLE-FAMILY RESIDENTIAL DISTRICT AND THE RM MULTI-FAMILY RESIDENTIAL DISTRICT REGARDING THE TIMING OF THE INSTALLATION OF STREET TREES AND SIDEWALKS WITHIN THESE ZONING DISTRICTS AND TO CLARIFY THE PROVISIONS REGARDING THE LOCATION OF STREET TREES REQUIRED TO BE INSTALLED AS PART OF THE APPLICABLE DISTRICT REGULATIONS.**

WHEREAS the Hanover County Zoning Ordinance requires the installation of certain improvements, including street trees and pedestrian paths, within the RS Single-Family Residential District and the RM Multi-Family Residential District, and regulates the timing of the installation of these improvements; and

WHEREAS the development community has commented to Planning Department staff that the timing of these required improvements creates practical difficulties for the orderly development of communities in the RS and RM zoning districts; and

WHEREAS staff has determined that modifications can be made to the timing requirements set forth in the RS and RM zoning district regulations that will allow greater flexibility to the development community while continuing to ensure that required improvements are constructed and installed in a timely manner; and

WHEREAS the Board has determined that the these proposed changes are consistent with the intent of the zoning regulations for these residential zoning districts and would improve the orderly development of residential properties throughout the area of the County where suburban services are provided; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended in accordance with these findings;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Zoning Ordinance, Section 26-61, regarding density calculations in the RS Single-Family Residential District, shall be amended to read as follows:
Section 26-61. - Density; calculation.

The RS District provides for a range of density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the district, a minimum of fifteen (15) percent of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) or open space (unimproved natural areas or buffers). For purposes of this district, "net acreage" shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas and all slopes of thirty-five (35) percent or greater.

(a) For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the district, and the application is determined to be consistent in all respects with sections 26-55 and 26-56 above, the Board may approve increased density to a maximum of one and one-quarter (1¼) units/acre.

(b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least fifteen (15) percent of the net acreage is left in open or common space, and if the following improvements are included in the district, and the application is determined to be consistent in all respects with sections 26-55 and 26-56 above, the Board may approve increased density to a maximum of two (2) units/acre.

(1) Street trees, planted either:
   a. Within a street median;
   b. Along each side of a street on which houses front in an easement created to permit the owners’ association to maintain the street trees in accordance with the requirements of Section 26-67 which shall be no less than ten (10) feet wide and designated for such plantings; or
   c. Massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection.

Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade
in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.

For purposes of this section, "street length" shall be the total amount of street frontage within the RS, Single-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.

(2) Pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths and lots, except where the path is located along a lot front.

(c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (b) above, and the application is determined to be consistent in all respects with sections 26-55 and 26-56 above, the Board may approve increased density to a maximum of three (3) units/acre.

(1) An additional five (5) percent of the net acreage set aside as open or common space, for a total of no less than twenty (20) percent.

(2) Street lights, placed along the existing thoroughfare along which the district fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from any entrance intersection.
constructed within the district. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

(d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (b) and (c) above are included, and the additional improvements specified below are provided, and the application is determined to be consistent in all respects with sections 26-55 and 26-56 above, the Board may approve increased density to a maximum of four (4) units/acre.

1. An additional five (5) percent of the net acreage set aside as common or open space, for a total of no less than twenty-five (25) percent.

2. Single-loaded streets, comprising at least ten (10) percent of the total length of the streets within the district. A "single-loaded street" shall be a street along which only one (1) side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

(e) For districts which are determined to be "in-fill" by the Board, the provision of common space or open space and the additional improvements and amenities listed above shall not be required for densities greater than one (1) unit per acre where:

1. The "in-fill" district contains six (6) or fewer lots;

2. The overall density of the "in-fill" district does not exceed the density of the adjacent subdivision through which access is obtained; and

3. The "in-fill" district provides the same amenities as the subdivision through which access is obtained.

For purposes of this section, an "in-fill" district means a district to which there is no access except through an existing public road subdivision zoned other than R-S, Single-Family Residential District.

(f) For districts which are determined by the Board to provide adequate and appropriate "workforce housing," the provision of additional open space, single-loaded streets, or street lights described in subsections (b), (c) and (d) shall not be required. In making the determination as to whether adequate and appropriate "workforce housing" has been provided, the Board shall consider the goals set forth in Section 10 of the Hanover County Comprehensive Plan.
2. That the Hanover County Code, Zoning Ordinance, Section 26-68, regarding Surety requirements related to the installation of required improvements in the RS Single-Family Residential District, shall be amended to read as follows:

Section 26-68. - Surety for installation of required improvements.

(a) If the developer chooses not to complete the improvements required in section 26-61(b) and section 26-66 prior to recordation of the subdivision or section of a subdivision, the developer shall enter into an agreement providing for the installation of the improvements and post surety in an amount sufficient to install the remaining improvements. The surety shall be in the form of a letter of credit, certified check or cash escrow. The form of the agreement and the surety shall be approved by the County Attorney.

(b) The improvements identified in section 26-61(b) and section 26-66 may be completed at any time at or after recordation of a subdivision (or section of a subdivision) and in accordance with the following:

(1) For subdivisions, or a section of a subdivision, that contain 30 or more lots, the improvements shall be completed and accepted before building permits have been issued for the final six (6) lots within the subdivision or section;

(2) For subdivisions, or a section of a subdivision, that contain fewer than 30 lots but more than 9 lots, the improvements shall be completed and accepted before building permits have been issued for eighty percent (80%) of the lots within the subdivision or section.

(3) For subdivisions, or a section of a subdivision, that contain 9 or fewer lots (other than those determined by the Board to be "in-fill" development in accordance with section 26-61(e)), the improvements shall be completed and accepted before the building permit for the final lot within the subdivision or section is issued.

When determining the number of building permits that may be issued prior to the completion of improvements within a section or subdivision, any fractional portion of lots that result as part of the percentage calculation shall be disregarded.

3. That the Hanover County Code, Zoning Ordinance, Section 26-77, regarding Design standards in the RM Multi-Family Residential District, shall be amended to read as follows:

Section 26-77. - Design standards.

(a) Street Buffers. Street buffers shall be designed and maintained in accordance with the following:
1. A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;

2. A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;

3. All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.

4. Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').

5. No buffer shall be located on an individual residential building lot.

6. All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located.

(b) Curb and gutter shall be provided throughout the district.

(c) Street trees.

(1) Street trees shall be planted as follows:

a. Within a street median;

b. Along each side of a street on which houses front (i) in an easement created to permit the owners’ association to maintain the street trees in
accordance with the requirements of Section 26-84 which shall be no less than ten (10) feet wide and designated for such plantings, or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or

c. Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.

(2) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.

(d) Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.

(e) Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of
the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4. That the Hanover County Code, Zoning Ordinance, Section 26-78, regarding the installation of required street buffers, street trees, pedestrian paths and street lights in the RM Multi-Family Residential District, shall be amended to read as follows:

Section 26-78. - Installation of required street buffers, street trees, pedestrian paths and street lights.

(a) The developer shall

1. at its expense, install all required street buffers, street trees, pedestrian paths, street lights and related improvements identified on the approved plans prior to recordation of the section within which those improvements are to be constructed, or

2. at the time of recordation, enter into an agreement providing for the installation of the improvements and post surety in an amount sufficient to install the remaining improvements. The surety shall be in the form of a letter of credit, certified check or cash escrow. The form of the agreement and the surety shall be approved by the County Attorney.

(b) The improvements identified in subsection (a) may be completed at any time at or after recordation of a subdivision (or section of a subdivision) and in accordance with the following:

1. For subdivisions, or a section of a subdivision, that contain 30 or more lots, the improvements shall be completed and accepted before building permits have been issued for eighty percent (80%) of the lots within the subdivision or section;

2. For subdivisions, or a section of a subdivision, that contain fewer than 30 lots but more than 9 lots, the improvements shall be completed and accepted before building permits have been issued for eighty percent (80%) of the lots within the subdivision or section.

3. For subdivisions, or a section of a subdivision, that contain 9 or fewer lots, the improvements shall be completed and accepted before the building permit for the final lot within the subdivision or section is issued.
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When determining the number of building permits that may be issued prior to the completion of improvements within a section or subdivision, any fractional portion of lots that result as part of the percentage calculation shall be disregarded.

(c) Required street trees and all other landscaping required by this section shall be guaranteed by the developer or installer for a period of not less than one-year. Street trees shall not be removed during or after residences are constructed. Trees removed shall be replaced with a like species and in a size comparable to the original planting; an alternative species may be used if approved by the Director.

5. This ordinance shall be effective on the date of adoption.

On motion of Mrs. Kelly-Wieck, seconded by Mr. Davis, the members of the Board of Supervisors voted to approve Ordinance 15-13 – Performance Agreements for Required Zoning Improvements, with modification (included in Ordinance text above), as follows:

Vote:
Wayne T. Hazzard Aye
Aubrey M. Stanley Aye
Sean M. Davis Aye
Angela Kelly-Wieck Aye
W. Canova Peterson Aye
G. E. “Ed” Via, III Aye
Elton J. Wade, Sr. Aye

XIII. Announcements

Mr. Harris announced that the November 24 meeting will also be on a Tuesday instead of Wednesday.

Mr. Hazzard announced that there will be a Veterans Day ceremony tomorrow at Hanover Wayside Park.

XIV. Adjournment

At 8:06 p.m. the Chairman adjourned the meeting to November 24, 2015 – Hanover County Administration Building – 6:00 p.m.

[Signature]
Chairman

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