



Zoning Modernization Phase 1 Wrap-up

Articles 1, 2, 3 and 10

Lea Brumfield, Senior Planner II

Albemarle County Board of Supervisors

August 21, 2024

Agenda

- Project Background and Project to Date
- Proposed Article Review
- Stakeholder Input Summary
- Next Steps

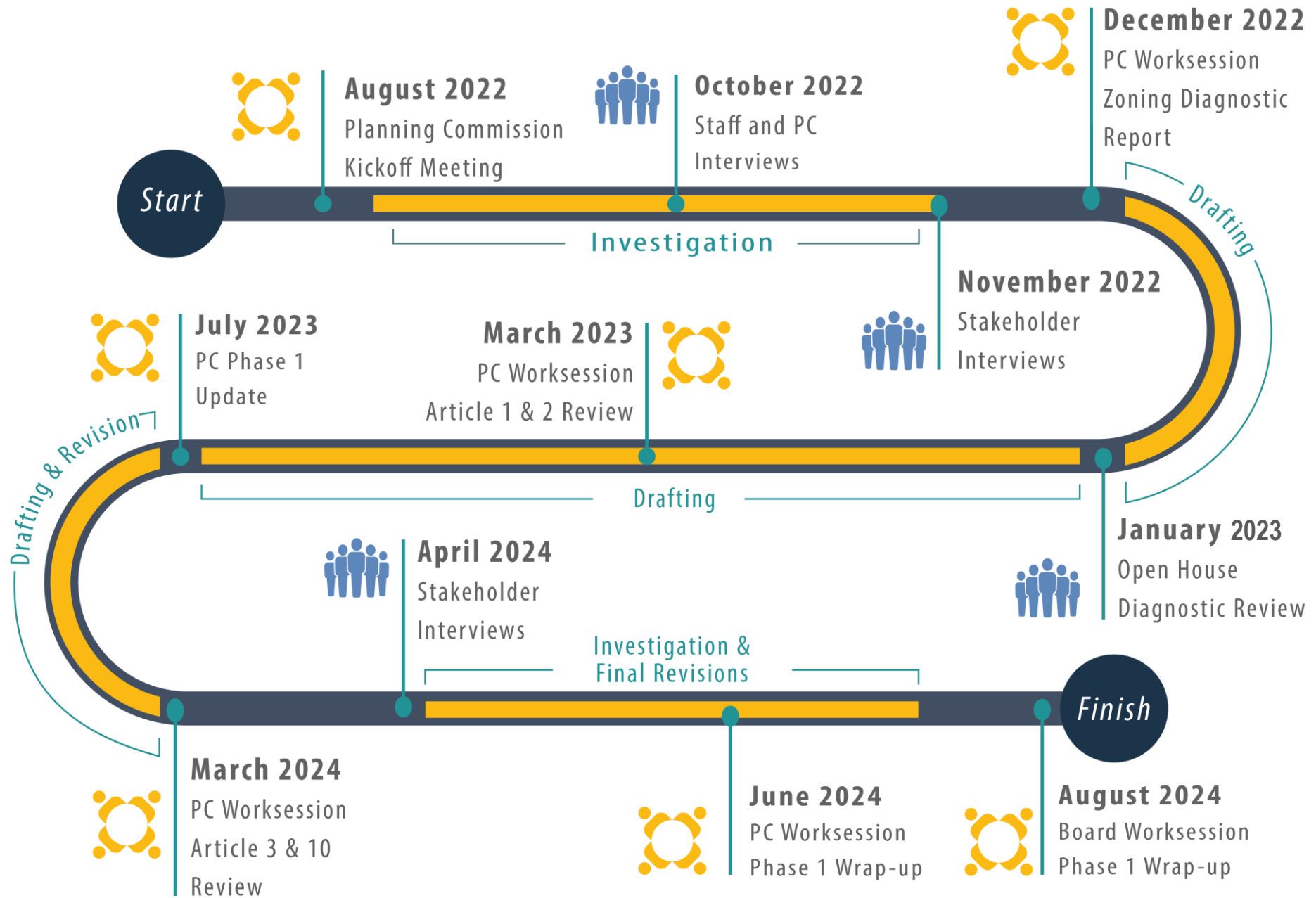


Project Background

In August 2022 the County partnered with the Berkley Group to modernize the Zoning Ordinance. The goals of the project are to:

- Provide streamlined and user-friendly regulations.
- Incorporate best practices and state code requirements.
- Address goals and strategies from the Comprehensive Plan.
- Consider community needs and issues.





Meeting Goals

1. Is the framework of the articles logical and comprehensible?
2. Are any points or regulations unclear?



General Edits

Articles 1-3 and 10 have been reviewed in-depth by the Planning Commission.

Direction from PC:

- Avoid jargon
- Be brief
- Avoid repeating state code

Section	Section Number	Section Content	Proposed Location/Change	BG Notes
Section 33 - Zoning Map Amendments and Special Exceptions	Sec. 33.1	Purpose and intent	Article III, Division 2	
	Sec. 34.1	Board of zoning appeals; establishment and organization	Article III, Division 2	
	Sec. 34.2	Powers and duties of the board of zoning appeals.	Article III, Division 2	
	Sec. 34.3	Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals.	Article III, Division 2	
Section 34 - Board of Zoning Appeals	Sec. 33.4	Uniform Requirements for Owner Initiation of Zoning Map Amendments and	Article III, Division 2 and Division 4	
	Sec. 33.8	Special Use Permits: Relevant Factors to be Considered: Conditions:	Article III, Division 3	
	Sec. 34.3	Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals.	Article III, Division 3	
Section 34A - Architectural Review Board	Sec. 34.4	Variances.	Article III, Division 3	
	Sec. 34A.1	Architectural review board; appointment and organization	Article II, Division 3	
	Sec. 34A.2	Powers and duties of the architectural review board	Article II, Division 3	
Section 35 -	Sec. 35.4	Fee refunds	Article II, Division 6	
	Sec. 34A.3	Design guidelines	Article II, Division 6	
Section 36 - Violations	Sec. 36.4	Criminal penalties	Article II, Division 5	
	Sec. 36.5	Injunctive relief and other remedies	Article II, Division 5	

Article 2 Administration

Contents: General purpose,
applicability of ordinance.

Significant Changes:

1. Replaced Virginia Code language with references
2. Reorganized the Purpose statement
3. Streamlined details of the Zoning Map



Article 1

General provisions

Current

Sec. 1.4 - Purposes.



The purposes of this chapter are to promote the public health, safety, convenience, and welfare and to accomplish the objectives of Virginia Code §§ [15.2-2200](#) and [15.2-2283](#). To these ends, this chapter is intended to:

- A. Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- B. Reduce or prevent congestion in the public streets;
- C. Facilitate creating a convenient, attractive and harmonious community;
- D. Facilitate providing adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- E. Protect against destroying or encroaching upon historic areas;
- F. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
- G. Encourage economic development activities that provide desirable employment and enlarge the tax base;
- H. Provide for preserving agricultural and forestal lands and other lands of significance for the protection of the natural environment;
 - I. Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
 - J. Promote creating and preserving affordable housing suitable for meeting the current and future needs of the County as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;
- K. Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and
- L. Protect surface water and ground water as defined in Virginia Code § [62.1-255](#).

Proposed

Section 1.1.3 Purpose

This Ordinance is adopted to implement the comprehensive plan and associated plans adopted by the Board of Supervisors, to promote the public health, safety, convenience, and welfare of the community, and to accomplish the objectives of Virginia Code §§ 15.2-2200 and 15.2-2283.

Contents: Administration of Ordinance, Powers of ZA, BZA, PC, ARB, Enforcement, Penalties

Significant Changes:

1. Replaced Virginia Code language with references
2. Streamlined Agent's powers and duties
3. Clarified ARB powers and duties

Article 2 Administration

CURRENT

Sec. 34A.2 - Powers and duties of the architectural review board.



The architectural review board (the "board") shall have the following powers and duties:

- a. *Meet and conduct business.* Regularly meet to conduct its business as provided in [section 34A.1](#) and this section.
- b. *Review initial site plans.* Review initial site plans and provide requirements and recommendations as provided in [section 32.4.2.2\(b\)](#).
- c. *Review and act on certificates of appropriateness.* Review and act on applications for certificates of appropriateness for any structure, and associated improvements, or any portion thereof, that are visible from the entrance corridor street to which the parcel is contiguous, as provided in [sections 30.6.4](#), [30.6.6](#) and [30.6.7](#).
- d. *Promulgate design guidelines.* Promulgate design guidelines as provided in [section 34A.3](#).
- e. *Provide recommendations and act as advisor.* Recommend areas to be included in the entrance corridor overlay districts and streets to be designated as entrance corridor streets, and act as an advisor to the commission, the board of supervisors and the board of zoning appeals on any applications for approval under this chapter or [Chapter 14](#).

Proposed

Section 2.4.2 Powers and Duties

The ARB has the following powers and duties to:

1. Develop and recommend appropriate design guidelines, subject to the following:
 - a. Design guidelines being considered must be advertised as provided in Virginia Code § 15.2-2204; and
 - b. Design guidelines become effective only upon adoption by the Board of Supervisors;
2. Review and propose areas to be included in or removed from any entrance corridors;
3. Review and make recommendations on proposals or applications within any entrance corridor provided in Article X, Section X, as applicable; and
4. Review and act on applications for certificates of appropriateness as provided in Division 3.8.

Designation of Agent & Authority

- The Zoning Administrator is appointed as the Agent and is authorized to administer and enforce the ordinance.
 - **UNLESS** explicitly specified otherwise. e.g.

Section 3.7.2 Agent

For the purposes of Division 3.7, “The Agent” means the Director of Planning or designee.

Contents: Requirements and procedures for permits and applications.

Significant Changes:

1. Zoning Clearance within Zoning Permits
2. Clarified Certificate of Appropriateness (COA), removed default approval
3. Moved Site Plan Requirements
4. Added Graphics
5. Established application withdrawal by inaction
6. Moved non-mandatory requirements to EP&L



Article 3
Applications and
Permits

Article 3 Changes Of Note

Certificates of Appropriateness Default Approval

- Currently default approval after 60 days of ARB/staff inaction and 21 days after applicant's request
- Obsolete provision

Withdrawal by Applicant Inaction

- Auto-withdrawal of applications after 6 months of applicant inactivity if not deferred

	Conventional Rezoning	Special Use Permit	Planned Development Districts	Neighborhood Model District
A narrative of the project proposal, including its public need or benefit.	X	X	X	X
A narrative of the proposed project's consistency with the comprehensive plan, including the land use plan and the master plan for the applicable development area.	X	X	X	X
A narrative of the proposed project's impacts on public facilities and public infrastructure.	X	X	X	X
A narrative of the proposed project's impacts on environmental features.	X	X	X	X
One or more maps showing the proposed project's regional context and existing natural and manmade physical conditions.	X	X	X	X
The most recently recorded plat of the parcel(s) composing the proposed project, or a boundary survey if a portion of one or more parcels compose the proposed project, both of which must include a metes and bounds description of the boundaries.	X	X	X	X
Documents that verify the identity of all record title owners of the parcel(s) composing the proposed project and documents identifying the authorized signatories of the application, the proffer statement, if applicable, and all other related documents.	X	X	X	X
The name, address, telephone number and e-mail address of a single contact person for communications between the County and the applicant.	X	X	X	X
For zoning map amendments or special use permits that propose new residential development or new residential uses as defined in and subject to Virginia Code § 15.2-2303.4 , the Agent may require studies that identify the impacts of the project on public transportation facilities, public safety facilities, public school facilities, and public parks.	X	X	X	X
Other special studies or documentation, if applicable, and any other information identified as necessary by the County on the pre-application comment form. The pre-application comment form will specify the form and the required content of any study or documentation.	X	X	X	X
Studies identifying cultural, historical or archeological resources potentially impacted by the proposed use.	X	X	X	X
For zoning map amendments, a local traffic impact statement as required by Virginia Code § 15.2-2222.1 and 24VAC30-155-40 .	X	X	X	X
If private streets are proposed, the applicant must submit a request for private streets compliant with section 14 234.	X	X	X	X
A conceptual plan showing, as applicable, the street network, including circulation within the project and connections to existing and proposed or planned streets within and outside of the project.	X	X		
A conceptual plan showing, as applicable, typical cross-sections to show proportions, scale and streetscape/cross-sections/circulation.	X	X		
A conceptual plan showing the general location of any pedestrian and bicycle facilities.	X	X		
A conceptual plan showing any building envelopes.	X	X		

CURRENT



Community Development Department
401 McIntire Road, North Wing
Charlottesville, VA 22902
434-296-5832

L.H. Brumfield -

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Apply for Plan - Special Use Permit

*REQUIRED



MORE INFO

Please complete all required steps OR we will not be able to process your application.

Note: You can stop at any point in the process to gather needed information and return to your application to complete it.

Questions? Contact us at ApplicationHelp@albemarle.org. This is the fastest way to reach someone who can help you.

You may also leave a message at (434) 296-5832 during normal business hours. We will do our best to get back to you within 24 hours of leaving your message.

We are here to help! Thank you for using the Albemarle County application portal!

General Info

[Next Section](#) | [Top](#) | [Main Menu](#)

*Date of Pre-Application Meeting?

06/24/2024

EP&L Application Process



Figure 5. Certificate of appropriateness application process. For illustration only.

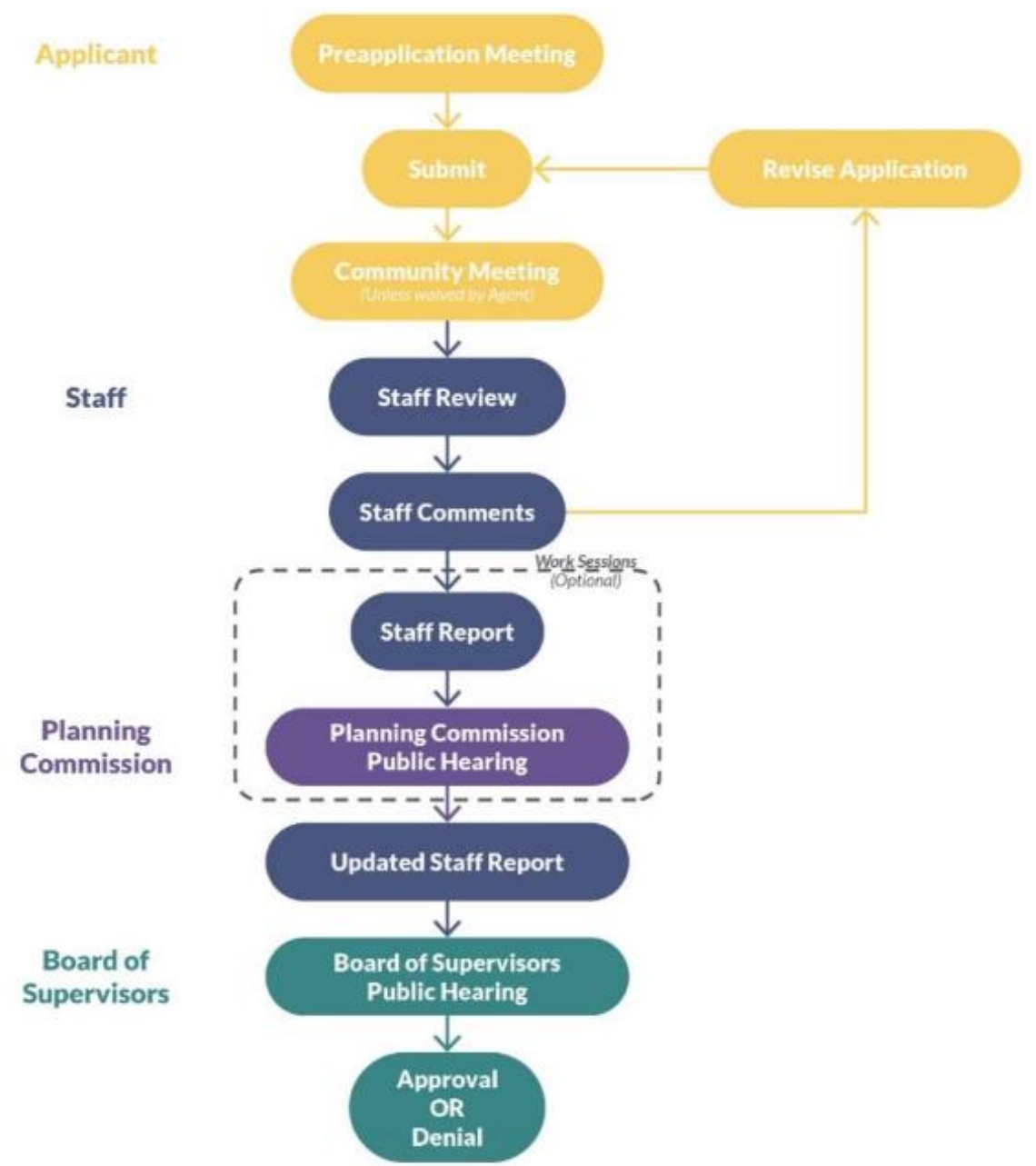


Figure 2. Special use permit application process. For illustration on

Contents: Procedures for nonconforming uses, structures, parcels, and signs.

Significant Changes:

1. Replaced Virginia Code language with references
2. Updated expansion of Quarries and Cemeteries
3. Clarified reduction of nonconformity



Article 10
Nonconformities

CURRENT

A. *Change, enlargement or extension of area used by a nonconforming use.* The area occupied or used by a nonconforming use shall not be:

1. *Occupation or use of additional area.* Changed, enlarged or extended to either occupy or use an additional area of the same lot or structure other than that which existed on the effective date of the zoning regulations applicable to the district in which the use is located; except that: (i) a nonconforming use may be enlarged or extended throughout any part of a structure that was arranged or designed for such nonconforming use on the effective date of the zoning regulations applicable to the district in which the use is located, but only if the enlargement or extension does not change the character of the nonconforming use; and (ii) a nonconforming quarry or cemetery may be enlarged or extended to either occupy or use an additional area of the lot, or other abutting lots under identical ownership as the lot on which the nonconforming use exists on the effective date of this chapter; or

PROPOSED

3. A nonconforming use on a portion of a parcel may continue only on that portion of the parcel, except that a nonconforming quarry or cemetery may be enlarged or extended to either occupy or use an additional area of the parcel, or other abutting parcels under identical ownership as June 14, 2000.

Stakeholder Input Recap

CADRe, BRHBA

- Positive feedback received.
- Appreciative of organization and simplification
- Individual suggestions being considered

Feedback Questions

1. Is the framework of the articles logical and comprehensible?
2. Are any points or regulations unclear?



Next steps

1. Address Board of Supervisors'
Feedback

2. Begin Phase 2 - Districts



Thank you

