



ALBEMARLE COUNTY PLANNING
ZONING TEXT AMENDMENT
STAFF REPORT SUMMARY

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PLANNING COMMISSION: October 5, 2021
BOARD OF SUPERVISORS: December 15, 2021

ZTA: 2021-03 – Bonus Densities Cleanup

ORIGIN: The Board of Supervisors adopted a Resolution of Intent to amend the Zoning Ordinance on August 18th, 2021. (Attachment A)

PROPOSAL: Amend the Zoning Ordinance to consolidate the bonus density regulations to eliminate repetitive text, eliminate bonus densities for incentives required by other sections of the ordinance, and to amend bonus density standards for consistency and clarity.

PUBLIC PURPOSE TO BE SERVED: Provides clarity and consistency in the interpretation and application of regulations related to available density bonuses for new developments. This amendment is expected to improve the administration of these Zoning regulations, provide clarity to the public regarding which density bonuses are available, and simplify the regulation formatting in preparation for a zoning text amendment (ZTA) addressing the affordable housing goals and strategies of the Comprehensive Plan.

BACKGROUND: The bonus densities available in the zoning ordinance were last revisited in 1985, when the Board revised the bonus densities available to remove three of the previously available bonuses and replace them with bonuses more directly aligning with the Comprehensive Plan goals of the time. These changes included rewarding dedication of land to public use with a thirty percent bonus, removing landscaping bonuses, removing provision of pedestrian system bonuses, and adding street tree and public road improvement bonuses, among other changes.

The goals of the Comprehensive Plan have changed since 1985, moving away from an emphasis on preservation of open space, even in the Development Area, to goals related to walkability, more urban development forms in the Development Area, and an emphasis on affordable housing. Many of the aims of the existing bonuses have been incorporated into the Subdivision Ordinance and the Zoning Ordinance, including the provision of street trees and the provision of sidewalks. Other regulations adopted in the thirty-six years since the bonus regulations were last revisited directly contradict the existing offered bonus densities, such as the requirement of interconnectivity between developments and their surrounding existing streets and planned developments.

Additionally, the County adopted the “Housing Albemarle: Recommendations for a New Housing Policy” Comprehensive Plan Amendment on July 7, 2021, which highlights the County’s goal of ensuring the availability of safe, decent, and sanitary housing to all income and age levels. This document includes multiple strategies to increase the supply of housing that involve amending the existing density bonuses. This ZTA does not directly address those strategies, but instead, aims to clarify and simplify the existing, enforceable bonuses in preparation for the upcoming ZTA that will address those strategies.

The upcoming ZTA that will incorporate the Housing Albemarle strategies will require a robust engagement plan with a broad range of stakeholders. In order to facilitate the clear communication of the potential changes to the bonus density regulations at that time, this ZTA proposes reformatting the regulations and removing the bonus densities that contradict required regulations, among other changes. (Attachment B).

STAFF COMMENT:

As many of the regulation changes included in this ZTA are codifications of existing practices and the removal of bonuses contradicted by other regulations in the ordinance, this ZTA is expected to have little impact on the application of regulations.

Zoning Ordinance section 33.6(B) establishes factors to be reasonably considered by the Planning Commission and Board of Supervisors in the review of ZTAs. The factors applicable are reviewed below:

(i) the existing use and character of the property

This ZTA does not impact existing uses. The ZTA clarifies the application of available density bonuses, and increases the potential density bonuses for future residential developments in the R-15 district for consistency with the bonuses permitted in other districts. , but does not impact the total density recommended by the Comprehensive Plan, and

(ii) the Comprehensive Plan

The Albemarle County Comprehensive Plan lists as a goal in Chapter 9 – Housing:

Albemarle County’s housing will be safe, decent, and sanitary; available to all income and age levels; located primarily in the Development Areas; and available equally to current and future County residents.

The recently adopted Albemarle Housing Policy, an appendix to the Comprehensive Plan, specifies as its first objective:

Objective 1: Increase the supply of housing to meet the diverse housing needs of current and future Albemarle County residents.

Additional objectives highlight the need for long-term affordable and workforce housing, as well as outlining specific strategies towards these objectives.

While this ZTA does not directly increase the amount of affordable and workforce housing, it clarifies and consolidates the existing bonus factor standards to facilitate understanding of the existing regulations. This provides the public and elected officials with a clear understanding of the regulations for the planned future ZTAs to review and amend the bonus factor regulations to meet the County’s goal of increasing the supply of housing, including increasing the supply of affordable and workforce housing.

(iii) the suitability of property for various uses

This ZTA does not permit any additional uses, and only regulates the density of permitted uses.

(iv) the trends of growth or change

Current growth pressures in development across the County are anticipated to increase demand for housing. This ZTA increases the achievable bonus densities in the residential zoning district with the highest development potential most likely to provide the greatest impact on increasing the amount of housing available in the County. Additionally, this ZTA provides the groundwork for future ZTA work to review bonus density regulations.

(v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies

Demand for future land development may impose pressures on sloped land that will be incompatible with the stream health performance design standards of this ZTA. However, these pressures may be directed to other, more suitable properties, including redevelopment properties located in the development area and in identified Opportunity Zones.

(vi) the community's transportation requirements

Any increases in transportation demand related to the increase in bonus density achievable in R-15 zoning will be addressed during development review. This ZTA does not impact transportation requirements in any other districts.

(vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services

Any increases in requirements for airports, housing, schools, parks, playgrounds, recreation, and other public services related to the increase in bonus density achievable in R-15 zoning will be addressed during development review. This ZTA does not impact requirements for these services in any other districts.

(viii) the conservation of natural resources

This ZTA protects the conservation of natural resources by encouraging development within the Development Area.

(ix) preserving flood plains

This ZTA does not impact the preservation of flood plains.

(x) protecting life and property from impounding structure failures

This ZTA does not impact impounding structures.

(xi) preserving agricultural and forestal land

This ZTA facilitates the preservation of agricultural and forestal land by encouraging development within the Development Area.

(xii) conserving properties and their values

This ZTA potentially encourages the redevelopment of existing properties by increasing the achievable bonus density in R-15 districts.

(xiii) encouraging the most appropriate use of land throughout the County

This ZTA encourages development within the Development Area, and provides the potential for additional achievable density in the zoning district specified for the highest density.

Strategic Plan

This ZTA facilitates the County's Vision of active and vibrant development areas by encouraging density within the Development Area and providing clarity within the Zoning Ordinance.

Staff Time and Budgetary Impacts

The adoption of this Zoning Text Amendment is not anticipated to increase staff time or have any budgetary impacts.

RECOMMENDED ACTION:

Staff recommends adoption of the Zoning Text Amendment as outlined in Attachment C.

ATTACHMENTS:

Attachment A – [Resolution of Intent](#)

Attachment B – [Summary of Changes](#)

Attachment C – [Proposed Ordinance](#)