



**ALBEMARLE COUNTY PLANNING
ZONING TEXT AMENDMENT
STAFF REPORT SUMMARY**

Project Name: ZTA 201900008 Section 33-Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions	Staff: Bill Fritz
Planning Commission (PC) Hearing: April 6, 2021	Board of Supervisors (BOS) Hearing: TBD
Proposal(s): Amendment of the submittal and review procedures for Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions.	
<p>Factors Favorable:</p> <ol style="list-style-type: none"> 1. Corrects unintended impacts caused by amendments adopted in 2018. 2. Improves submittal and review procedures. 3. Corrects technical errors in the existing ordinance. 4. Complies with State Code. 5. Adds provision to revoke approval of special exceptions. 	<p>Factors Unfavorable:</p> <ol style="list-style-type: none"> 1. Removes requirement that application must be acted on within 36 months or project is deemed withdrawn.
Recommendation: Staff recommends that the Planning Commission support the proposed ordinance and recommend approval to the Board of Supervisors.	

STAFF CONTACT: William D. Fritz, AICP
PLANNING COMMISSION: April 6, 2021
BOARD OF SUPERVISORS: TBD

ZTA: 201900008 Section 33-Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions

ORIGIN: Board of Supervisors resolution of intent adopted on December 18, 2019. (Attachment A)

PROPOSAL: The proposed ordinance would reorganize submittal requirements, review procedures, and notification requirements for all Zoning Text Amendments, Zoning Map Amendments, Special Use Permits, and Special Exceptions, and would revise, clarify and standardize the text. Among other revisions, the primary proposed substantive changes would:

- (1) correct existing and previous errors in references within the ordinance (County Code § 18-33);
- (2) clarify the procedures to determine if any application is complete or incomplete (County Code § 18-33.4 and § 18-33.5);
- (3) add non-severability language to conditions associated with a special exception (County Code § 18-33.9);
- (4) allow for review of projects while in state of deferral (County Code § 18-33.11);
- (5) provide that once a deferred application is reactivated, the timeline for review is reset (County Code § 18-33.11);
- (6) allow for the collection of a new fee for a reactivated application (County Code § 18-33.11); and
- (7) provide that an application is deemed withdrawn if a deferral request is accepted and the project is not reactivated within six months (County Code § 18-33.11).

PUBLIC PURPOSE TO BE SERVED: The proposed amendments are intended to reduce inefficient and unnecessary administrative procedures. This will allow for a more efficient review process for both the County and applicants. Submittal requirements are clarified allowing for a more understandable process for the applicant and the public. The proposed amendments include changes to make the ordinance consistent with the State Code.

BACKGROUND: The Board of Supervisors last amended the provisions of Section 33 in 2018.

After the adoption of the ordinance procedural issues were identified as well as errors in the language of the ordinance. The Board of Supervisors adopted a resolution of intent to amend Section 33 in December of 2019. A work session was held with the Planning Commission (January 2021) and the Board of Supervisors (February 2021) to discuss the proposed changes in the ordinance. During those work sessions staff was directed to include the following provisions in the proposed ordinance:

- Ability of the Planning Commission to defer an application at the request of an applicant.
- Provision to consider equity when evaluating an application.
- Inclusion of cultural and heritage resources as a type of study that may be required when submitting a special use permit or zoning map amendment application.

Other minor technical, grammatical and organizational changes were also proposed. All of these changes have been included in the proposed ordinance. Following the work sessions staff identified additional changes that improve the organizational structure, standardize language, and remove internal reference errors. These changes do not alter the intent of the ordinance as reviewed by the Planning Commission or Board of Supervisors earlier this year.

STAFF COMMENT:

Analysis of the proposed zoning text amendment:

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. Each factor is reviewed below:

(i) the existing use and character of property

This amendment does not directly impact use or character of any property.

(ii) the Comprehensive Plan

This amendment provides for implementation of the Comprehensive Plan during legislative reviews.

(iii) the suitability of property for various uses

This amendment is intended to allow a full and fair review of the appropriateness of using any property for any use. The proposed ordinance includes provisions to include equity, and the cultural and historic significance of a parcel and its environs when evaluating land use decisions.

(iv) the trends of growth or change

This amendment allows the County to efficiently review legislative request in order to address or anticipate trends of growth or change.

(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

The proposed ordinance maintains provisions to require necessary studies during the review of any legislative application. A provision has been added to allow cultural and historical resources to be evaluated.

(vi) the community's transportation requirements

The proposed ordinance allows for consideration of transportation requirements during the review of any legislative application.

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

The proposed ordinance allows for consideration of public services during the review of any legislative application.

(viii) the conservation of natural resources

The proposed ordinance allows for consideration of natural resources during the review of any legislative application.

(ix) preserving flood plains

The proposed ordinance allows for consideration of flood plains during the review of any legislative application.

(x) protecting life and property from impounding structure failures

Impounding structures are not directly impacted by this proposed amendment. The impact on impounding structures and the impact of structure failure may be evaluated during legislative reviews as needed.

- (xi) preserving agricultural and forestal land

The proposed ordinance allows for consideration of the impacts on agricultural and forestal lands during the review of any legislative application.

- (xii) conserving properties and their values

The proposed amendments allow for the County to consider the impact of legislative actions on property and their values. Public participation is maintained allowing public input and analysis.

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

Legislative reviews are a significant component of encouraging the most appropriate use of land throughout the County. An efficient, understandable, enforceable procedure for the review of legislative actions allows for the implementation of the recommendations of the Comprehensive Plan. The proposed ordinance allows for a complete review of any application and consideration of all impacts that may result from a proposed land use.

Strategic Plan:

This ordinance will be reviewed by the three (3) criteria previously established by the Board for amendments:

Administration/Review Process:

The proposed amendments improve the administrative and review process.

Housing Affordability:

The proposed amendments have no direct impact on housing affordability. A more efficient land use review process may reduce overall development cost and indirectly improve housing affordability. During the review of any application the impact on housing affordability may be considered.

Implications to Staffing/Staffing Costs:

The proposed amendments are expected to improve efficiency in the review of land use applications. The existing ordinance provisions require significant administrative resources. Improving the review process will allow the resources to be reallocated.

RECOMMENDED ACTION: Staff recommends that the Planning Commission support the proposed ordinance and recommend approval to the Board of Supervisors.

ATTACHMENTS

- Attachment A – Resolution of Intent
- Attachment B – Proposed Ordinance Language
- Attachment C – Brief summary of the history of Section 33.