

COUNTY OF ALBEMARLE
TRANSMITTAL TO THE BOARD OF SUPERVISORS
SUMMARY OF PLANNING COMMISSION ACTION

AGENDA TITLE: ZTA202100002 Special Exception Procedure SUBJECT/PROPOSAL/REQUEST: Amendment to clarify the Board of Supervisors' authority to approve special exceptions, consistent with case law. SCHOOL DISTRICT: None	AGENDA DATE: December 1, 2021 STAFF CONTACT(S): Filardo, Herrick, Svoboda, Ragsdale PRESENTER (S): Rebecca Ragsdale
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BACKGROUND:

At its meeting on September 28, 2021, the Albemarle County Planning Commission unanimously recommended approval of the September 13, 2021 draft ordinance (Attachment A2), with the revisions recommended by staff in the Planning Commission presentation, as outlined in the Action Memo (Attachment B).

DISCUSSION:

Incorporating staff's recommended revisions, the proposed draft ordinance (Attachment D) would update provisions that previously authorized the Planning Commission, the Planning Director, and other officers to grant waivers, modifications, and variations of Zoning Ordinance provisions administratively. The Virginia Supreme Court has ruled that these special exceptions are legislative acts reserved for local governing bodies.

RECOMMENDATIONS:

Staff recommends that the Board adopt the attached proposed ordinance (Attachment D).

ATTACHMENTS:

- A. Planning Commission Public Hearing Staff Report
 - A1. Resolution of Intent
 - A2. Proposed Ordinance dated September 13, 2021
- B. Planning Commission Action Memo
- C. September 28, 2021 Planning Commission Minutes
- D. Proposed Ordinance dated November 16, 2021