

# COUNTY OF ALBEMARLE

## STAFF REPORT

<b>AGENDA TITLE:</b> ZTA 2017-06 Updates and Clarifications to Section 33 Zoning Text Amendments (ZTAs), Zoning Map Amendments (ZMAs), Special Use Permits (SPs) and Special Exceptions	<b>AGENDA DATE:</b> 7/17/18
<b>SUBJECT/PROPOSAL/REQUEST:</b> Work Session on Zoning Text Amendment related specifically to Deferrals	<b>ACTION:</b> X <b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Elaine Echols, Bill Fritz, Greg Kamptner, John Blair	<b>CONSENT AGENDA:</b> <b>ACTION:</b> <b>INFORMATION:</b>
	<b>ATTACHMENTS:</b> Yes

**PUBLIC PURPOSE TO BE SERVED:** The purpose for the full amendment to Section 33 of the Zoning Ordinance is to update terms and definitions and clarify regulations and procedures related to ZTAs, ZMAs, SPs, and special exceptions. It is expected not only to improve the administration of these Zoning regulations, but also to provide more clarity for the public and others who use them.

**BACKGROUND:** The Board of Supervisors adopted a resolution of intent to amend the Zoning Ordinance to make changes to Section 33 on April 5, 2017 (Attachment A). Included with other “clean-ups” are changes to Section 33 to codify existing practice and provide greater precision with deferrals of ZMAs and SPs. A deferral occurs when an applicant requests that staff suspend review of an application for a period of time or to extend the time for action by the Planning Commission or Board of Supervisors.

At present, there are 35 zoning map amendment and special use permit requests under review. Over half are in some state of deferral. Activity with staff is taking place on a few of these projects; however, for some of the others, applicants have not been in contact with staff for many months or years. Current wording in the zoning ordinance implies a three-year limit for a project to achieve action by the Board of Supervisors but is not explicit. This lack of precision creates problems about the status of a project for applicants and the public. It is even more troublesome for staff who must spend at least ten hours per project ascertaining where a project sits on a time schedule for action by the Board of Supervisors if action has not been taken within one year or has not been to the Planning Commission. More hours are then spent cajoling applicants to make a written request for deferral. For example, on a controversial project submitted in early 2015, an additional fifteen hours was spent trying to get an applicant to provide a written request to defer a project. This project has not yet reached the Planning Commission for a public hearing and it is unknown when or if it will be scheduled. Such a situation is not uncommon. Because these activities are so time consuming and unpredictable for the public, staff is recommending that firm deadlines for action be included in the zoning ordinance.

**DISCUSSION:** Proposed zoning text changes are included in Attachment B. They codify current practice relating to community meetings, provide a definitive time for action by the Board of Supervisors, and establish parameters and procedures for requesting deferral and withdrawal of an application. The proposed timeline is for a maximum of 36 months from acceptance of an application for review to action by the Board of Supervisors. Attachment C contains information on the purpose for each proposed change. Proposed changes also relate to the timing for payment of fees and for fee reductions if time runs out before the Board acts and an applicant must reapply. A roundtable discussion with members of the development community is scheduled for July 16. Results of this meeting will be shared with the Commission on July 17.

Additional changes to Section 33 are under development by the County Attorney, which are similar to the “housekeeping” amendments approved for other sections in the Zoning Ordinance in recent months. These minor non-substantive changes will be provided with the amendments scheduled for public hearing later in the summer.

**BUDGET IMPACT:** The zoning text amendments related to deferrals and community meetings will allow for increased staff time for development review or other planning projects. No additional staff or funding will be needed because of the amendments.

**RECOMMENDATION:** Staff recommends that the Commission review the proposed changes, take public comment, and advise on any desired changes prior to holding a public hearing on Section 33 of the Zoning Ordinance.

**ATTACHMENTS:**

Attachment A: Resolution of intent for Section 33 ZTA adopted April 5, 2017

Attachment B: Draft Zoning Text Amendment for a portion of Section 33

Attachment C: Table of Proposed Changes for Zoning Text Amendment draft July 2, 2018