

# COUNTY OF ALBEMARLE

## STAFF REPORT

<p><b>AGENDA TITLE:</b> ZTA 2017-11 Section 3 Rules of Construction and Definitions</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Public Hearing on Section 3 Rules of Construction and Definitions Zoning Text Amendment</p> <p><b>STAFF CONTACT(S):</b> Lea Brumfield, Cameron Langille, Amelia McCulley, Andy Herrick</p>	<p><b>AGENDA DATE:</b> April 9, 2019</p> <p><b>ACTION:</b> X      <b>INFORMATION:</b></p> <p><b>CONSENT AGENDA:</b></p> <p><b>ACTION:</b>              <b>INFORMATION:</b></p> <p><b>ATTACHMENTS:</b> Yes</p>
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**PUBLIC PURPOSE TO BE SERVED:** To consolidate terms and definitions used throughout the ordinance, update terms and definitions for consistency of form and current usage, and delineate standard rules of construction regarding the interpretation of the Zoning Ordinance. This amendment is expected to not only improve the administration of these Zoning regulations for staff, but also to provide more clarity for the public and others who use them.

**BACKGROUND:** A resolution of intent to amend the Zoning Ordinance was adopted by the Board on April 5, 2017 (Attachment A), authorizing an amendment to “consolidate existing definitions and rules of construction, clarify existing definitions, add new definitions, delete obsolete definitions, and to amend the existing rules of construction.” The Planning Commission held a Work Session on December 18, 2018 to discuss the proposed amendments and provided staff with feedback and questions to address. Working with the County Attorney’s office, Community Development staff propose term changes, deletions, and additions, as highlighted below. Additionally, the text amendment includes updated Rules of Construction, modeled after similar sections in the Subdivision Ordinance and the Water Protection Ordinance.

**DISCUSSION:** For the purposes of this discussion, the word “term” will refer to the individual words and phrases being defined, while the word “definition” will refer to the explanatory phrase following each term, explaining its purpose and meaning in the context of Chapter 18.

These categories of term changes are submitted in this amendment:

- 1) **Consistency** – non-substantive formatting, capitalization, and ordering changes;
- 2) **Consolidation** – moving terms and definitions throughout Chapter 18 into Section 3;

*The terms being consolidated are shown on Attachment B.*

- 3) **Removing Terms** – removal of outdated terms or terms unused in the Zoning Ordinance;
- 4) **Clarification** – definition or term changes intended to clarify standing practice of ordinance interpretations;
- 5) **New Terms** – addition of terms used in the Zoning Ordinance but not currently defined;
- 6) **Replacing Terms** – replacing outdated or confusing terms with modern, consistent terms; and
- 7) **Minor Changes** – combining two terms for consistency and clarity or codifying long-standing current practice.

Following the Planning Commission's work session held December 18, 2018, staff made changes and clarifications to the proposed ordinance to clarify the applicability of individual terms throughout the ordinance, as well as other changes as necessary. A number of additional proposed changes will be addressed in later, more substantive zoning text amendments.

**BUDGET IMPACT:** No additional staff or funding will result from these amendments.

**RECCOMENDATION:** Staff recommends that following the public hearing, the Commission recommend approval of the draft ordinance found in Attachment D.

**ATTACHMENTS:**

Attachment A: Resolution of Intent for rules of construction and definitions ZTA adopted April 5, 2017

Attachment B: Sources of Consolidated Terms

Attachment C: Summarized Changes of Terms and Definitions

Attachment D: Definitions Minor Changes

Attachment E: December 18, 2018 Work Session Staff Report

Attachment F: Draft Proposed Ordinance