

COUNTY OF ALBEMARLE

TRANSMITTAL TO BOARD OF SUPERVISORS

AGENDA TITLE: ZTA 2017-11 Section 3 Rules of Construction and Definitions

SUBJECT/PROPOSAL/REQUEST:

Public Hearing on Section 3 Rules of Construction and Definitions Zoning Text Amendment to consolidate terms and definitions used throughout the Zoning 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.

AGENDA DATE:

June 05, 2019

STAFF CONTACTS(S):

Amelia McCulley; Leah Brumfield

PRESENTOR(S): Leah Brumfield

BACKGROUND:

A resolution of intent to amend the Zoning Ordinance was adopted by the Board on [April 5, 2017](#), 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. On [April 9, 2019](#), the Planning Commission voted 7:0 to recommend approval of ZTA 2017-11.

The Commission also discussed a number of substantive zoning text amendments to be addressed at a later date. These are found beginning on page 23 of the minutes (Attachment F).

DISCUSSION:

The following categories of changes are included in this amendment:

- Consistency – non-substantive formatting, capitalization, and ordering changes;
- Consolidation – moving terms and definitions throughout Chapter 18 into Section 3;
- Removing Terms – removal of outdated or unused terms in the Zoning Ordinance;
- Clarification – definition or term changes intended to clarify standing practice of Ordinance interpretations;
- New Terms – addition of terms used in the Zoning Ordinance but not currently defined;
- Replacing Terms – replacing outdated or confusing terms with modern, consistent terms; and
- Other Changes – combining two terms for consistency and clarity or codifying long-standing current practice.

The terms and definitions being consolidated are pulled from the definitions sections of the sign regulations, noise regulations, outdoor lighting regulations, rural preservation development regulations, flood hazard overlay district regulations, and airport impact area overlay district regulations, as shown on Attachment B. These consolidations include no substantive changes to the terms or definitions. Minor changes relating to removing previously repealed terms, and changes relating to sentence structure, definition clarity, or word order are listed in Attachment C. All other changes, including term replacement and adding new terms that are used in the Zoning Ordinance but not currently defined, are listed and annotated in Attachment D.

Additionally, the text amendment includes updated Rules of Construction, modeled after similar sections in the Subdivision Ordinance and the Water Protection Ordinance.

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

RECOMMENDATION:

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

ATTACHMENTS:

- A. Resolution of Intent for rules of construction and definitions ZTA adopted April 5, 2017
- B. Sources of Consolidated Terms
- C. Definitions Minor Changes
- D. Summarized Changes of Terms and Definitions
- E. Planning Commission Public Hearing Staff Report, April 9, 2019
- F. Planning Commission Public Hearing DRAFT Minutes, April 9, 2019
- G. Proposed Ordinance