



# Albemarle County

## Legislation Text

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**File #:** 18-426, **Version:** 1

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**AGENDA DATE:** 8/8/2018

**TITLE:**

ZTA201800002 Commercial and Industrial Zoned Properties Not Served By Public Water or Central Water Supply Systems in the Rural Area of the Comprehensive Plan

**SUBJECT/PROPOSAL/REQUEST:** Work session to redefine parameters for a zoning text amendment to address commercially and industrially zoned properties in the Rural Area of the Comprehensive Plan

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Blair, Graham, McCulley, Fritz, Ragsdale

**PRESENTER (S):** Bill Fritz

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** This zoning text amendment (ZTA) was initiated by the Board of Supervisors with a resolution of intent adopted on February 7, 2018. The proposed ZTA would affect properties zoned commercially or industrially that are not served by public water or a central water system. The resolution of intent stated the desire was "to amend the regulations by specifically delineating water-consuming uses not served by public water as by-right or by special use permit rather than by water consumption".

Staff developed a proposed ordinance intended to:

- Eliminate the special use permit for uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day
- Create a list of by-right uses for properties not served by public or central water and sewer and a list of those that should remain as special use permit uses
- Better align the Zoning Ordinance with not only the goals for resource protection, but also with other Rural Area goals and strategies of the Comprehensive Plan
- Provide clarity and remove ambiguity in zoning regulations

A public input meeting was held on April 17 and the Planning Commission held a public hearing on the proposed ordinance on May 8 and May 22, 2018. The Planning Commission voted 6:0 to recommend approval of ZTA 2018-02 with the addition of a grandfathering provision for existing or vested structures and a recommendation for a second phase of study and potential ordinance amendments. While the Commission was supportive of a text amendment to begin addressing inconsistencies between the Comprehensive Plan and the Zoning Map, it believed that additional study and solutions should be explored to address the issue in a second phase ZTA.

The Board held a public hearing on June 13, 2018 to discuss the proposed ordinance. The Board deferred action on the proposed ordinance and requested an additional work session to address the comments and

concerns raised at the meeting.

**STRATEGIC PLAN:** Rural Area Character: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity

**DISCUSSION:** A number of concerns were raised by those commenting on the proposed ordinance at the June 13 public hearing, including:

- a lack of clarity about what the proposed ordinance was trying to address,
- not enough time in the process to consider the ordinance changes and their impacts to property owners,
- property owner concerns about impacts to their property values,
- concerns the ordinance was not going far enough to protect the Rural Area,
- support from Rural Area residents for a change that would potentially help protect their water supply and protect them from other impacts, and
- support from Rural Area residents for continuing to allow businesses in the Rural Areas.

Because of all of these issues, staff recommends that the Board table the proposed ordinance considered on June 13, and provide direction to staff regarding the preparation of a new ordinance.

Staff has identified three options for the Board to consider in clarifying the purpose of a new ordinance:

- Option 1) The proposed ordinance should address water only, or
- Option 2) The proposed ordinance should address land use only, or
- Option 3) The proposed ordinance should address water and land use.

Staff recommends that the process begin with developing a water only ordinance. Following completion of that process, the Board would have the opportunity to process a ZTA addressing land use issues for Commercial/Industrial properties not served by public water or for all Commercial/Industrial properties located in the Rural Area of the Comprehensive Plan.

Attachment A outlines a possible process for each option. For whichever option is endorsed by the Board, staff will present a more detailed outline for the chosen option and prioritizing of the project within the Community Development work program in October. Any option will require a new resolution of intent, which will also be presented to the Board in October.

**BUDGET IMPACT:** Each option has different budget impacts based on staff hours. These impacts are outlined in Attachment A.

**RECOMMENDATION:**

Staff recommends that the Board: 1) table the proposed ordinance considered on June 13, 2018; and 2) direct staff to proceed with Option 1, 2, or 3 above.

**ATTACHMENTS:**

A - Options for Scope and Process