



# Albemarle County

## Legislation Details (With Text)

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| <b>File #:</b>       | 17-543   | <b>Version:</b>      | 2                    | <b>Name:</b> |  |
| <b>Type:</b>         | Zoning Text Amendment  | <b>Status:</b>       | Passed               |              |  |
| <b>File created:</b> | 9/18/2017  | <b>In control:</b>   | Board of Supervisors |              |  |
| <b>On agenda:</b>    | 10/11/2017   | <b>Final action:</b> | 10/11/2017           |              |  |
| <b>Title:</b>        | <p>ZTA 2017-07 Terminology Updates and Clarifications. Formerly Advertised as: ZTA 2017-07 Housekeeping II. To receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Section 18-3.1 to establish definitions for children's residential facility and skilled nursing facility and adds the term skilled nursing facility to the definition of hospital, capitalizes terms in the definition of assisted living facility, and deletes the terms sanitariums, nursing homes, and convalescent homes from the definition of hospital; Amend Section 18-4.12.6 by deleting the terms rest home, nursing home, and convalescent home and adding the terms assisted living facility and skilled nursing facility; Amend Section 18-4.17.3 to amend the definition of lamp; Amend Section 18-4.17.4 to clarify that outdoor luminaires equipped with LED lamps which emit 3,000 or more lumens as indicated by the manufacturer shall be full cutoff fixtures and removes the terms rated lamp wattages; Amend Section 18-5.1.13 to delete the terms rest home, nursing home, convalescent home, and orphanage and to add the terms assisted living facility, skilled nursing facility, and children's residential facility; Amend Section 18-5.2 to remove the term nursing homes and add the terms skilled nursing facility and assisted living facility; Amend Sections 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2, 18-18.2.2, 18-19.3.2, 18-20.3.2 by substituting the terms skilled nursing facility, assisted living facility, and children's residential facility for the terms rest home, nursing home, convalescent home, and orphanage; Amend Section 18-20A.8 by substituting the term skilled nursing facilities for nursing homes; Amend Section 18-20B.1 by deleting references to the CT5 and CT6 Urban Core transects; Amend Section 18-20B.2 by substituting the terms skilled nursing facilities and assisted living facilities for the term convalescent homes; Amend Section 18-20B.4 by substituting the terms skilled nursing facilities and assisted living facilities for the terms convalescent homes and nursing homes; Amend Section 18-26.5 by deleting a reference to off-street parking and loading requirements and clarifying that a buffer is not required when a commercial or industrial district zone is across the street from a residential or rural area district; Amend Section 18-31.3 to clarify that the zoning administrator may conduct a post-construction, pre-use inspection of a building or structure not required to file a building permit application; and Amend Section 18-5.1.11 to substitute the term sound for noise.</p> |                      |                      |              |  |

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Attach.A - Proposed Ordinance, 2. Attach.B - Undisturbed Buffer Zones Clarification, 3. Attach.C - Staff Report ZTA-2017-07, 4. Attach.C1 - ROI - ZTA-2017-07, 5. Attach.C2 - Proposed ZTA-2017-07, 6. Attach.D - PC Action Memo, 7. Attach.E - PC Minutes

| Date       | Ver. | Action By            | Action  | Result |
|------------|------|----------------------|---------|--------|
| 10/11/2017 | 2    | Board of Supervisors | adopted | Pass   |

**AGENDA DATE:** 10/11/2017

### TITLE:

ZTA 2017-07 Housekeeping II/Term Updates and Clarifications

**SUBJECT/PROPOSAL/REQUEST:** Public Hearing on Zoning Text Amendment

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Walker, Kamptner, Blair, Graham, McCulley, Brumfield

**PRESENTER (S):** Leah Brumfield

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Douglas C. Walker

**BACKGROUND:** On June 20, 2017, the Planning Commission adopted a resolution of intent to amend the Zoning Ordinance. This amendment is intended to better implement existing regulations. It is not intended to enact substantive changes that alter policy or create new requirements. The proposed amendment:

- updates the terms “nursing home,” “rest home,” “convalescent home,” and “orphanage”, and updates the terms “assisted living facility, skilled nursing facility,” and “children’s residential facility” to reflect current usage - these terms were removed from the first housekeeping amendment to allow time to confirm each term’s appropriate use with the Department of Social Services and the Virginia Code;
- codifies the current practice relating to final inspections for zoning permits for farm buildings and small sheds and other structures that are exempt from the Building Code;
- clarifies the applicability of outdoor lighting regulations to LED lighting, to reflect the development of LED usage; and
- resolves a contradiction between streetscapes and setbacks envisioned in the Albemarle County Comprehensive Plan, and the industrial zone undisturbed “buffer” requirements as written in the Zoning Ordinance.

At its meeting on August 22, 2017, the Commission unanimously voted to recommend adoption of ZTA 2017-07, with the exception of Section 26.5, regarding the Minimum Yards Undisturbed “buffer” zone. Subsequently, the ZTA title was revised to “Term Updates and Clarifications” to clarify the purpose of the ZTA.

**STRATEGIC PLAN:** Quality Government Operations: Ensure County government’s capacity to provide high quality service that achieves community priorities

**DISCUSSION:** At its August 22 public hearing, the Planning Commission raised questions about the industrial undisturbed “buffer” zone amendment to Section 26.5. A commissioner later through email clarifications on distinctions between “buffers,” “landscaping,” “setbacks,” and “screening.” Attachment B provides diagrams and definitions to clarify undisturbed buffer zones.

The Albemarle County Comprehensive Plan encourages streetscapes in accordance with the Neighborhood Model Principles, pulling structures closer to the street, and creating street-level interest through attractive landscaping. To fulfill this expectation, street trees are required and setbacks for all industrial zoning are reduced to 10 feet on street frontages.

The undisturbed “buffer” zones as described in Section 26.5 were intended to create separations between development on property zoned industrial and property zoned rural areas (RA) or residential along the backs and sides of parcels. Within the 30 foot undisturbed “buffer,” the landscape regulations require screening materials, usually a fence or a double row of evergreen trees. When the “buffer” is applied to industrial property **across the road** from residential or RA zoning, this visual separation is counter to the Comprehensive Plan goals of creating a streetscape.

When an industrial parcel and a RA or residential parcel are located on opposite sides of a road, the ordinance, as written, measures that 30 foot “buffer” from the centerline of the right of way. On a narrow right of way, this may require a depth up to 15 feet of an undisturbed “buffer” that runs across the property frontage. This “buffer” serves to increase the setback so it may not be possible to achieve the 10-foot setback for buildings to establish a street presence. Note that this amendment does not reduce or eliminate requirements

along the property frontage for landscaping such as street trees and screening. Instead of increasing visual impacts, this amendment allows for attractive landscaping and street trees to improve the attractiveness of neighborhoods as envisioned in the Comprehensive Plan. Additionally, the Board approved the text amendment of eliminating the undisturbed “buffer” for commercial properties on August 9, 2017; approval of the industrial “buffer” zone amendment within ZTA 2017-07 will create consistency within the Zoning Ordinance.

**BUDGET IMPACT:** There is no budget impact associated with adopting the proposed ZTA.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that the Board adopt the attached Zoning Text Amendment (Attachment A).

**ATTACHMENTS:**

- A - Proposed Zoning Text Amendment
- B - Undisturbed Buffer Zone Diagrams and Definitions
- C - Planning Commission Staff Report
- D - Planning Commission Action Memo
- E - Planning Commission Minutes