



# Albemarle County

## Legislation Text

---

**File #:** 18-164, **Version:** 1

---

**AGENDA DATE:** 2/7/2018

**TITLE:** ZTA2018-02 Commercial and Industrial Zoned Properties Not Served By Public Water

**SUBJECT/PROPOSAL/REQUEST:** Resolution of Intent to amend the Zoning Ordinance regulations requiring properties zoned Commercial and Industrial that are not served by public water to obtain a special use permit for water consumption over 400 gallons per site acre per day.

**ITEM TYPE:** Consent Action Item

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

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Zoning Ordinance regulations for Industrial (LI, HI and PDIP) zoning districts were amended in 1985, and Commercial (CO, C1, HC, PDSC, and PDMC) districts were amended in 1989, to require a special use permit for by-right uses under the following circumstances: Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day.

The stated purpose of the regulations was to protect surface and groundwater supplies from overdraft and pollution. The water withdrawal limitation of 400 gallons was based on health department assumptions and regulations at the time for water consumption of a dwelling. Health department regulations employed a water usage rate of 150 gallons per day per bedroom. A four-bedroom house would have a daily consumption of 600 gallons. The minimum lot size for a dwelling not served by public water and public sewer was 60,000 square feet. Therefore, the per acre consumption would be 400 gallons per day.

### **STRATEGIC PLAN:**

Natural Resources Stewardship: Thoughtfully protect and manage Albemarle County's ecosystems and natural resources in both the rural and development areas to safeguard the quality of life of current and future generations

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

Economic Prosperity: Foster an environment that stimulates diversified job creation, capital investments, and tax revenues that support community goals

**DISCUSSION:** This Zoning Ordinance provision has led to several appeals to the Board of Zoning Appeals. The appeals arise because regulation on water consumption is not listed as a weekly or other periodic average limit, instead its "per day", rendering peak days as the consumption standard. In addition, there is no

universally accepted industry standard for water consumption, leading to debate as to projected consumptions.

Staff recommends amending the Zoning Ordinance to eliminate the current provisions and amending the list of uses in the Commercial and Industrial districts to allow some uses not served by public water as by-right uses and to allow other more intensive uses not served by public water by special use permit. Updating the Zoning Ordinance would allow both the goals of resource protection and Rural Area policy to be better achieved.

A preliminary review of GIS indicates there are approximately 125 properties zoned Commercial and Industrial that would be affected by this potential amendment, and staff believes those affected should be given a public meeting opportunity to discuss any proposed amendments to the Zoning Ordinance. Staff recommends the following tentative process for this Zoning Text Amendment:

February- March	Staff study period and development of outline for proposed changes
April	Public input meeting to review proposed changes, with affected property owners and stakeholders invited
May	Planning Commission work session
June	Planning Commission public hearing
July	Board of Supervisors public hearing

**BUDGET IMPACT:** Amending the County Code to address the water consumption regulation should not result in budget impacts. The proposed amendment should save existing staff resources necessary for review under the current ordinance. While this provision doesn't arise frequently, it does involve staff time from multiple County divisions and departments including Planning, Zoning, Engineering, and the County Attorney's Office.

**RECOMMENDATION:** If the Board wishes to pursue a zoning text amendment to amend the water consumption regulations for Commercial and Industrial properties not served by public water and sewer, staff recommends the Board adopt the attached Resolution of Intent (Attachment A) and endorse the public process outlined above.

**ATTACHMENTS:**

Attachment A: Resolution of Intent