



Albemarle County

Legislation Text

File #: 19-214, **Version:** 1

AGENDA DATE: 3/20/2019

TITLE:

Religious Land Uses

SUBJECT/PROPOSAL/REQUEST: Work session to discuss potential ordinance language for Religious Land Uses in the Rural Areas zoning district

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Graham, Fritz

PRESENTER (S): Bill Fritz

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 states in part "No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." This provision is known as the "Equal Terms Clause." The County permits nonreligious assembly by-right for Farm Wineries, Farm Breweries and Distilleries (agricultural uses), while a special use permit is required for religious assembly use in the Rural Areas zoning district. The Zoning Ordinance must be amended in order to ensure it complies with the Equal Terms Clause. The Board of Supervisors adopted a Resolution of Intent to amend the Zoning Ordinance to address this issue on April 5, 2017 (Attachment A).

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

DISCUSSION: Staff's analysis examines the places of non-religious assembly allowed in the Rural Areas zoning district. For example, attendance at Farm Wineries, Farm Breweries and Distilleries of up to 200 people at a time is permitted by-right and without a site plan. Under the Equal Terms Clause, religious assembly must be permitted in an equal manner. Farm Wineries, Farm Breweries and Distilleries do have some minimal regulations for setbacks and sound. These, or more permissive regulations, may also be applied to religious assembly.

Staff will present some background information and various options (see Attachment B) as to how to address RLUIPA requirements in the Zoning Ordinance, and will request that the Board provide feedback and direction as to how it wishes to regulate religious assembly use in the Rural Areas zoning district.

BUDGET IMPACT: None

RECOMMENDATION:

Staff recommends that the Board direct staff to prepare a Zoning Text Amendment that will regulate religious

assembly uses in the same manner as agricultural uses, and that will permit by right minor expansions to existing non-conforming religious assembly uses having places of assembly for 200 or more persons, with those expansions limited to picnic shelters, storage, and office space.

ATTACHMENTS:

Attachment A - Resolution of Intent adopted on April 5, 2017

Attachment B - Potential regulatory options