RESOLUTION OF INTENT

WHEREAS, certain provisions in County Code §§ 18-2.5, 18-4, 18-5, and other sections of the Zoning Ordinance (the "Provisions") appear to direct the Albemarle County Planning Commission and certain administrative officers to consider and act on requests for waivers, modifications, variations, and substitutions; and

WHEREAS, the Provisions appear to direct the Planning Commission to make certain decisions not expressly enabled under Virginia law, which has created confusion because the Provisions conflict with the procedures and factors for special exceptions in County Code §§ 18-33.5, 18-33.9, and 18-33.10 requiring that such waivers, modifications, variations, and substitutions be approved only by special exception; and

WHEREAS, the procedures and factors for special exceptions in County Code §§ 18-33.5, 18-33.9, and 18-33.10 have superseded the Provisions since April 1, 2013; and

WHEREAS, it is desired to amend the Zoning Ordinance to provide that all of the actions described hereinabove be made by the Albemarle County Board of Supervisors as special exceptions pursuant to County Code §§ 18-33.5, 18-33.9, and 18-33.10, which are expressly enabled under *Virginia Code* § 15.2- 2286(A)(3).

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend County Code §§ 18-2.5, 18-4, 18-5, and any other sections of the Zoning Ordinance deemed relevant to clarify and confirm that the Board is to consider and act on special exceptions to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and return its recommendations to the Board of Supervisors at the earliest possible date.

* * * * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Board of Supervisors by a vote of _____ to _____, as recorded below, at a meeting held on _____.

_____
Clerk, Board of County Supervisors

	Aye	Nay
Mr. Gallaway	____	____
Ms. LaPisto-Kirtley	____	____
Ms. Mallek	____	____
Ms. McKeel	____	____
Ms. Palmer	____	____
Ms. Price	____	____