Agenda:

The June 25, 2024, meeting will focus on reviewing the Phase 1 proposed articles in preparation for a presentation of the articles to the Board of Supervisors.

Feedback questions for the Planning Commission are:

1. Is the framework of the articles logical and comprehensible?
2. Are any points or regulations unclear, or should any language be clarified?

The following agenda is provided as an outline for discussion:

1. Project Background and Project to Date
2. Proposed Article Review
    a. General Edits
    b. Article 1 – General Provisions
    c. Article 2 – Administration
    d. Article 3 – Permits and Applications
    e. Article 10 – Nonconformities
3. Stakeholder Input Summary
4. Next Steps

Project Background:

Beginning in August 2022, Albemarle County partnered with the Berkley Group, a local government consulting firm, to modernize the County's Zoning Ordinance. The goals of the project are to:

- Provide streamlined and user-friendly regulations;
- Incorporate best planning practices and current state code requirements;
- Address the goals and strategies identified in the Comprehensive Plan; and,
- Consider community needs and issues identified through the public engagement process.

The update process has been split into five separate phases of work over the course of the next few years. The process will be guided by County staff, the Planning Commission, and the Board of Supervisors with opportunities for input from the community. As each phase proceeds, staff will present to the Board draft articles for review. At the end of this multi-year project, the Board is expected to adopt the Ordinance in full.

Project to Date:

Progress to date includes:

- **PC Reset and Kickoff Meeting** – The initial reset and kickoff meeting for the project was conducted with the Planning Commission on August 22, 2022. The meeting discussed the phasing of the new project and the intended schedule of the first phase.
- **Staff and PC Interviews** – Interviews were conducted with Albemarle Office of Community Development staff and Planning Commissioners during the months of September and October of 2022. These interviews were intended to receive feedback based on the strengths and weaknesses of the current ordinance and permitting process.
- **Focus Group Listening Session** – A listening session was held with the Charlottesville Area Development Roundtable (CADRe) on November 10, 2022. This session allowed key stakeholders in the community to give their input on the current Zoning Ordinance and permitting process.
- **Worksession #1** – Worksession 1 was conducted with the Planning Commission on December 22, 2022. The objective of this worksession was to share with the Planning Commission the initial findings of the first round of public engagement as well as the current zoning evaluation report.
- **Public Kickoff Open House** – A public open house was held on January 30, 2023, at the County Administrative Office Building where the community was invited to learn about the project and give some initial feedback. This included a presentation by staff about the project as well as an informal question and answers segment following. Over 40 members of the community attended.
- **Worksession #2** – Worksession 2 was conducted with the Planning Commission on March 28, 2023. The objective of this worksession was to review the drafts of Article 1 and Article 2 of the Zoning Ordinance.
- **Update on Phase 1** – Albemarle staff updated the Planning Commission on July 25, 2023, with progress to date, discussed ordinance language and best practices.
- **Worksession #3** – Worksession 3 was conducted with the Planning Commission on March 26, 2024. The objective of this worksession was to discuss the drafting style guide and review the proposed drafts of Article 3 and Article 10.

Proposed Article Review

See Attachments 1-4 for review of the proposed articles. See Attachment 5 for a crosswalk of the organization of the applicable current ordinance text within the proposed articles.

The proposed articles have been reviewed and edited according to best practice, internal procedure, public input, and Planning Commission direction. The County Attorney has conducted a review of the proposed articles, and will comprehensively review articles prior to adoption.

General Edits

Article 1-3 and 10 have been reviewed by the Planning Commission during two worksessions. The overarching themes of the comments from the Planning Commission were to avoid jargon, be brief, and avoid repeating state code. These themes will help achieve the first goal of the zoning modernization project, to provide a streamlined and user-friendly ordinance.

Article 1 – General Provisions

This Article contains divisions pertaining to the general purpose, applicability, and interpretation of the Ordinance. Additional divisions include language that requires conformity with the Ordinance, validity of previously approved applications, and vested rights.

Article 1 pulls information primarily from the following Sections of the currently adopted Ordinance:

- Section 1 – Authority, Establishment, Purposes, and Zoning Map
- Section 34.6 – Interpreting a District Map

The proposed text is largely based on the requirements of the Virginia Code; references to the applicable Code sections are included. Some of the significant changes include:

- Replaced repetition of Virginia Code language with references to the applicable code sections
- Reorganized the language of the Purpose statement
- Reorganized and streamlined the details of the Zoning Map

Article 2 – Administration

This Article covers the administration of the Ordinance. The powers and duties of the Zoning Administrator, Board of Zoning Appeals (BZA), Planning Commission (PC), and Architectural Review Board (ARB) are discussed. Additionally, enforcement and penalties are addressed in this Article, along with taxes and expenses paid.

Article 2 pulls information primarily from the following Sections of the currently adopted Ordinance:

- Section 31 – Designation of Zoning Administrator, authority
- Section 34 – Board of Zoning Appeals, establishment and organization, powers
- Section 34A – Architectural Review Board, appointment and organization, powers and duties
- Section 35 – Fees
- Section 36 – Violations

The proposed text is largely based on the requirements of the Virginia Code; references to the applicable Code sections are included. Some of the significant changes include:

- Replaced repetition of Virginia Code language with references to the applicable code sections
- Streamlined language for the Agent's powers and duties

- Move non-mandated requirements and organizational procedures, fees into community development system (Enterprise Permitting & Licensing) and website
- Move fees into Chapter 1 of County Code and community development system (Enterprise Permitting & Licensing)

Articles 3 – Permits and Applications

This article covers the requirements and procedures for various permits and applications. As a best practice, this article has been refined to remove most application requirements. These requirements will be detailed within the new community development system (Enterprise Permitting & Licensing) and in guidance documents on the County website.

Article 3 pulls information primarily from the following Sections of the currently adopted Ordinance:

- Section 30 – Certificates of appropriateness, appeals
- Section 31 – Administration and Enforcement
- Section 32 – Site Plans
- Section 33 – Zoning Text Amendments, Zoning Map Amendments, Special Use Permits, and Special Exceptions

Where appropriate, references to the applicable Virginia Code sections are included. Some of the significant changes include:

- Streamlined Zoning Clearance within Zoning Permits due to the same approval process
- Clarified and reorganized Certificates of Appropriateness process
- Requirements and procedures for Site Plans moved to the community development system and website
- Added process graphics
- Specified six-month standard for application withdrawal by inaction
- Removed auto-approval of Certificates of Appropriateness after specified period of time

Article 10 – Nonconformities

This article covers procedures for non-conforming uses, structures, parcels and signs. Similar to Article 3, this article has been edited for brevity, and for consistency with legal advice and the other drafted articles.

Article 10 pulls information primarily from the following Sections of the currently adopted Ordinance:

- Section 4.15 – Signs

- Section 6 – Nonconformities
- Section 30.3 – Flood hazard overlay district

The proposed text is largely based on the requirements of the Virginia Code; references to the applicable Code sections are included. Some of the significant changes include:

- Replaced repetition of Virginia Code language with references to the applicable code sections
- Updated establishment requirements for the expansion of quarries and cemeteries
- Clarified language regarding reduction of nonconformity

Stakeholder Input Recap

Sessions were held with Charlottesville Area Development Roundtable (CADRe), and Blue Ridge Home Builders Association (BRHBA) for feedback on the drafted articles. Feedback was positive, with appreciation expressed for the organization and simplification of the text. Staff received some individual requests for clarification which are being considered for inclusion. Both stakeholder groups look forward to future phases of the update.

Next Steps

Following this worksession, staff will address Planning Commission feedback in preparation for a presentation of the draft articles to the Board of Supervisors. After the Board presentation, phase 2 will begin.

Feedback Questions

1. Is the framework of the articles logical and comprehensible?
2. Are any points or regulations unclear, or should any language be clarified?

Attachments

Attach. 1 - Article 1– General Provisions

Attach. 2 - Article 2 – Administration

Attach. 3 - Article 3 – Permits and Applications

Attach. 4 - Article 10 – Nonconformities

Attach. 5 - Ordinance Crosswalk