FINAL ACTIONS Planning Commission Meeting of July 25, 2017	
July 26, 2017	
AGENDA ITEM/ACTION	**FOLLOW-UP ACTION**
1. **Call to Order.** • Meeting called to order at 6:00 p.m., by Chair, Mr. Keller. Commissioners Keller, Firehock, Lafferty, Riley, More, Dotson and Palmer (UVA Rep) were present. Absent was Commissioner Spain. • Others present were Tim Padalino, Elaine Echols, Leah Brumfield, Amelia McCulley, Sharon Taylor, Andrew Gast-Bray and John Blair.	
2. **Other Matters Not on the Agenda from the Public.** • There was none.	
3. **Public Hearing Items.** **ZTA 2017-00002 Section 1 -** – The Planning Commission will hold a public hearing on July 25, 2017 to receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Repealing section 18-1.1 and adding a revised section 18-1.1 to reflect that the name of Chapter 18 of the Albemarle County Code is the Albemarle County Zoning Ordinance; Repealing section 18-1.2 and adding a revised section 18-1.2 that establishes the enabling authority of the Albemarle County Zoning Ordinance; Amending and renaming section 18-1.3; Amending and renaming section 18-1.4 to provide that one of purposes of the Albemarle County Zoning Ordinance is to provide reasonable protection for military bases, installations, and airports as well as the adjacent safety areas of those facilities; Repealing section 18-1.5 and renaming, amending, and renumbering section 18-1.6 to become the new section 18.1-5 in order to implement the comprehensive plan; Adding a new section 18.1-6 to describe all territory subject to the Albemarle County Zoning Ordinance; Amending section 18.1-7 to include a	Clerk: This matter will be forwarded to the Board of Supervisors to be heard on a date to be determined. Staff: Action Letter – Recommend Approval as noted in the actions.

	new rule of zoning map interpretation for superjacent and subjacent airspace; and Repealing section 18-1.8. A copy of the full text of the proposed ordinance amendments is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Amelia McCulley) • By a vote of 6:0 (Spain absent), **RECOMMEND APPROVAL** of ZTA-2017-002 Section 1 as shown in attachment 1.	
4.	**Work Session** **SP-2017-00009 UVa Indoor Golf Practice Facility – Amendment**– *originally scheduled as public hearing* MAGISTERIAL DISTRICT: Samuel Miller TAX MAP/PARCEL(S): 07500-00-00-06300 LOCATION: 480 Birdwood Dr., Charlottesville, VA 22903 PROPOSAL: Amend SP2015-19 to establish a new location (approx. 400 feet to the west) within the current Birdwood Golf Course for the construction of a previously approved 6,710 square foot indoor golf practice facility and associated parking and infrastructure, for use by University of Virginia golf teams and Birdwood members. PETITION: Swim, golf, tennis, or similar athletic facilities under Section 13.2.2.4 of the zoning ordinance. No new dwellings proposed on this 544-acre parcel. ZONING: R1 Residential, which allows residential use by right (1 unit per acre). OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED. COMPREHENSIVE PLAN: Institutional use which allows for schools, libraries, parks, major utilities, hospitals, universities, colleges, ancillary facilities, and undeveloped publicly owned property; and Parks and Green Systems	**Next Steps**: Clerk: Schedule public hearing by the Planning Commission on August 8, 2017 as noted in the actions.

	which allows for parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, and preservation of stream buffers, floodplains, and steep slopes adjacent to rivers and streams in Neighborhood 6 of the Southern and Western Urban Neighborhoods. (Tim Padalino) **Received** staff's presentation, took applicant and public comment, provided feedback and direction to staff to continue the dialogue over the next 2 weeks before public hearing. No formal action was taken. (See minutes for details.)	
5.	**Committee Reports** The following committee reports were given: **Commissioner Lafferty** reported: • Hydraulic CAC met and had overview from TJPDC on Long Range Transportation Plan. • CTAC Committee met and reviewed the LRTP, update on I-64 Corridor Study, Hydraulic/Hillsdale Small Area Plan and regional bike and pedestrian plan. • PACTECH met with update on Hydraulic Road and multi modal infrastructure and part of 29 North/Rio Road, etc. **Commissioner Riley** reported: • Village of Rivanna CAC met with discussion on NIFY and selected study of the stabilization of a section of Rivanna Trail that goes through Village of Rivanna and discussed phase 1 of Village of Rivanna. **Commissioner More** reported: • Historic Preservation Committee met and she discussed demolition permit spreadsheet. • Crozet CAC met and discussed the neighborhood funding called the NIFY projects. • Update provided on survey by the Crozet Community.	

	Commissioner Dotson reported: • Rio 29 Small Area Plan Group will hold the second charrette Thursday night at 7 pm in the lobby of COB.	
6.	**Old Business.** • Rio 29 Small Area Plan Group to hold the second charrette Thursday night at 7 pm in the lobby of COB. • Transient Lodging Update - BOS directed staff to get input on potential whole house rentals with limitations and input from the public on allowing for short-term rentals in apartments, condominiums and townhouses for transient housing. Staff working on public engagement plan.	Staff: Provide public engagement plan schedule to Commission and solicit interest in attendance.
7.	**New Business.** **Tim Keller**: • There will be no meeting on Tuesday, August 1, 2017. • The next meeting will be held on Tuesday, August 8, 2017 at 6:00 p.m.	Staff**:** Email request for vacation dates.
9.	Adjourn to August 8, 2017, 6:00 p.m., Lane Auditorium, Second Floor, COB McIntire. • The meeting was adjourned at 8:19 p.m.	

/sct

Attachment 1 – ZTA-2017- 002 Section 1 – Planning Commission Recommendation

ATTACHMENT 1

ZTA-2017-002 Section 1, County Code – Planning Commission Recommendation

Draft Ordinance Provisions

ORDINANCE NO. 17-18( )

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 1.7 Zoning map

By Amending and Renaming:

Sec. 1.3 Effective date~~, repeal of conflicting ordinance~~; repeal of prior zoning ordinance.
Sec. 1.4 Purpose~~s~~ ~~and intent~~

By Amending, Renumbering, and Renaming:

Old Number	New Number	
Sec. 1.6	Sec. 1.5	~~Relation to~~ Implementation of the comprehensive plan

By Adding:

Sec. 1.1 Short title
Sec. 1.2 Authority
Sec. 1.6 Territory and airspace subject to this chapter

By Repealing:

Sec. 1.1 Authority and enactment
Sec. 1.2 Amendment to adopt
Sec. 1.5 Relation to environment
Sec. 1.8 Certified copy, filing

Chapter 18. Zoning

Article I. General Provisions

Section 1. Authority, Establishment, Purpose~~s~~ and ~~Official~~ Zoning Map

~~Sec. 1.1 Authority and enactment~~

~~This ordinance, to be cited as the Zoning Ordinance of Albemarle County, is hereby ordained, enacted and published by the Board of Supervisors of Albemarle County, Virginia, pursuant to the provisions of Title 15.2, Chapter 22, Article 7, Code of Virginia, 1950, and amendments thereto.~~

~~Sec. 1.2 Amendment to adopt~~

~~An ordinance to reenact and readopt the Albemarle County Zoning Ordinance and the Albemarle County Zoning Map.~~

~~Be it ordained by the Board of Supervisors of Albemarle County, Virginia: That the following ordinance known as the Zoning Ordinance of Albemarle County, Virginia, together with the Zoning Map attached thereto, be and the same are, readopted and reenacted effective immediately upon adoption of this ordinance.~~

Sec. 1.1 Short title.

This chapter shall be known and may be cited as the "Albemarle County Zoning Ordinance" or the "Zoning Ordinance."

(§ 18-1.1, Ord. 15-18( ), _____)

State law reference – Va. Code § 15.2-2280, 15.2-2286.

Sec. 1.2 Authority.

This chapter is adopted pursuant to Virginia Code § 15.2-2200 *et seq.* and other titles of the Virginia Code enabling the County to regulate through its zoning regulations.

(§ 1.1, 12-10-80, § 18-1.2, Ord. 15-18( ), _____)

State law reference – Va. Code §§ 15.2-2108, 15.2-2200 *et seq.*, 15.2-2280, 15.2-2286.

Sec. 1.3 Effective date~~, repeal of conflicting ordinance~~; repeal of prior zoning ordinance.

~~This Zoning Ordinance of Albemarle County, Virginia, shall be effective at and after 5:15 P.M., the 10th day of December, 1980 and at the same time the Albemarle County "Zoning Ordinance" adopted December 22, 1969, as amended, is hereby repealed.~~ This chapter shall be effective at and after 5:15 P.M. on December 10, 1980. The zoning ordinance adopted December 22, 1969, as amended, was simultaneously repealed at 5:15 P.M. on December 10, 1980.

(§ 1.3, 12-10-80, § 1.3, Ord. 15-18( ), _____)

State law reference – Va. Code § 15.2-2286.

Sec. 1.4 Purpose~~s~~. ~~and intent~~

~~This ordinance, insofar as is practicable, is intended to be in accord with and to implement the Comprehensive Plan of Albemarle County adopted pursuant to the provisions of Title 15.2, Chapter 22, Article 3, Code of Virginia, 1950, as amended, and has the purposes and intent set forth in Title 15.2, Chapter 22, Article 7.~~

~~As set forth in section 15.2-2200 of the Code, this ordinance is intended to improve public health, safety, convenience and welfare of citizens of Albemarle County, Virginia, and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds. (Added 9-9-92)~~

~~Therefore be it ordained by the Board of Supervisors of Albemarle County, Virginia, for the purposes of promoting the health, safety, convenience and general welfare of the public and of planning for the future development of the community, that the zoning ordinance of Albemarle County, together with the official zoning map adopted by reference and declared to be a part of this ordinance, is designed:~~

~~1.4.1 To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers;~~

~~1.4.2 To reduce or prevent congestion in the public streets;~~

~~1.4.3 To facilitate the creation of a convenient, attractive and harmonious community;~~

~~1.4.4 To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;~~

~~1.4.5 To protect against destruction of or encroachment upon historic areas;~~

~~1.4.6 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers;~~

~~1.4.7 To encourage economic development activities that provide desirable employment and enlarge the tax base; (Amended 9-9-92)~~

~~1.4.8 To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (Amended 9-9-92)~~

~~1.4.9 To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (Added 11-1-89; Amended 9-9-92)~~

~~1.4.10 To include reasonable provisions, not inconsistent with the applicable state water quality standards to protect surface water and groundwater defined in section 62.1-44.85(8) of the Code of Virginia; and (Added 11- 1-89; Amended 9-9-92)~~

~~1.4.11 To promote affordable housing. (Added 9-9-92)~~

The purposes of this chapter are to promote the public health, safety, convenience, and welfare and to accomplish the objectives of Virginia Code §§ 15.2-2200 and 15.2-2283. To these ends, this chapter is intended to:

A. Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;

B. Reduce or prevent congestion in the public streets;

C. Facilitate creating a convenient, attractive and harmonious community;

D. Facilitate providing adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

E. Protect against destroying or encroaching upon historic areas;

F. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;

G. Encourage economic development activities that provide desirable employment and enlarge the tax base;

H. Provide for preserving agricultural and forestal lands and other lands of significance for the protection of the natural environment;

I. Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;

J. Promote creating and preserving affordable housing suitable for meeting the current and future needs of the County as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;

K. Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and

L. Protect surface water and ground water as defined in Virginia Code § 62.1-255.

(§ 1.4, 12-10-80, § 1.4, Ord. 15-18( ), _____)

State law reference – Va. Code §§ 15.2-2200, 15.2-2283.

~~Sec. 1.5 Relation to environment~~

This ~~ordinance is designed to treat lands which are similarly situated and environmentally similar in like manner with reasonable consideration for the existing use and character of properties, the Comprehensive Plan, the suitability of property for various uses, the trends of growth or change, the current and future land and water requirements of the community for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, and the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services; for the conservation of natural resources; and preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the county.~~ (Amended 11-1-89)

~~(12-10-80, 11-1-89)~~

Sec. ~~1.6~~1.5 ~~Relation to~~ Implementation of the comprehensive plan

~~In drawing the zoning ordinance and districts with reasonable consideration of the Comprehensive Plan, it is an stated and express purpose of this zoning ordinance to create land use regulations which shall encourage the realization and implementation of the Comprehensive Plan. To this end: development is to be encouraged in Villages, Communities and the Urban Area; where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objectives; and development is not to be encouraged in the Rural Areas which are to be devoted to preservation of agricultural and forestal lands and activities, water supply protection, and conservation of natural, scenic and historic resources and where only limited delivery of public services is intended.~~ The regulations in, and the districts established by, this chapter are intended to implement the policies, goals and objectives of the comprehensive plan. (Amended 11-1-89)

(§ 1.6, 12-10-80, 11-1-89; § 18-1.5, Ord. 14-18( ), _____)

State law reference – Va. Code §§ 15.2-2200, 15.2-2283, 15.2-2284.

Sec. 1.6 Territory and airspace subject to this chapter.

This chapter applies to the following:

A. *Unincorporated territory*. All of the unincorporated land area of the County, subject to subsections (B), (C), and (D).

B. *Airspace of privately owned and certain publicly owned land*. The superjacent airspace of any unincorporated land area in the County that is not owned by the Commonwealth.

C. *Airspace of any public travelways*. The superjacent and subjacent airspace of any public highway, street, lane, alley, or other public travelway in the County owned by the Commonwealth that is not required for the purpose of travel or other public use.

D. *Airspace of privately occupied but publicly owned lands*. The superjacent airspace of any land area in the County not provided for in subsection (C) owned by the Commonwealth or any county, city, or town, that is occupied by an entity or person other than the Commonwealth or any county, city, or town.

State law reference – Va. Code §§ 15.2-2281, 15.2-2293.

Sec. 1.7 Zoning map.

The zoning map is identified, and shall be interpreted, as follows:

~~a~~A. *Zoning map identified*. The zoning map is composed of the several maps and digital source files, and all dimensions, symbols, notations, and designations shown on the maps and in the digital source files, is maintained by the ~~d~~Department of ~~c~~Community ~~d~~Development, and is incorporated by reference as part of this chapter. The zoning map is the digital form of the zoning map adopted

on December 10, 1980, as amended by all zoning map amendments after that date. The zoning map also may exist in an analog zoning map book.

~~b~~B. *Zoning map establishes the location and boundaries of districts*. The location and boundaries of the districts created by this chapter are hereby established as shown on the zoning map. The zoning map also includes symbols that represent the existence of conditions, including proffers, attaching to the zoning of a parcel on the zoning map.

~~c~~C. *Interpretation*. The zoning map shall be interpreted as follows:

1. *District lines follow lot lines and center lines; boundar~~y~~ies designated*. The district boundaries shown on the zoning map are intended to follow the lot lines and the center lines of streets or alleys as they existed on December 10, 1980 and as hereafter amended; provided that where a district boundary obviously does not follow any ~~such~~ lot line or center line, and is not depicted on an approved subdivision plat or site plan or described by dimensions or other means, the district boundary shall be determined by measurement using a scale.

2. *Waterways, roads, streets, alleys, highways, railroads, and other rights-of-way; boundary not designated*. All waterways, ~~alleys,~~ roads, streets, alleys, highways, railroads, and other rights-of-way (collectively, "features"), if not otherwise specifically designated and if not part of a parcel abutting the feature, shall be deemed to be in the same district as the immediately abutting parcels, and the departing boundary lines from those abutting parcels shall be deemed to extend to the centerline of the feature. If the center line of a feature serves as a parcel boundary, the zoning of the feature, if not otherwise specifically designated, shall be deemed to be the same as that of the parcel to which it is a part.

3. *Superjacent and subjacent airspace*. The superjacent and subjacent airspace of any unincorporated territory within the County shall be deemed to be within the same district as the parcel to which it pertains unless the superjacent or subjacent airspace is zoned otherwise by a zoning map amendment.

~~3~~4. *Areas not otherwise designated*. The intent of this chapter is to have the entire unincorporated territory of the ~~c~~County within a district. Except for those features identified in subsection (~~c~~C)(2), any area shown on the zoning map having a white background shall be deemed to be in the ~~r~~Rural ~~a~~Areas (RA) district.

~~4~~5. *Inconsistencies*. If there is an inconsistency between any information shown on the zoning map and any decision made by the ~~b~~Board of ~~s~~Supervisors or an interpretation of the zoning map made by the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals after December 10, 1980, then the decision of the ~~b~~Board of ~~s~~Supervisors or the interpretation of the ~~b~~Board of ~~z~~Zoning ~~a~~Appeals shall govern.

~~d~~D. *Alterations and amendments*. The zoning map shall not be altered or amended in any way except in compliance with the procedures and standards established by this chapter for a zoning map amendment.

(§ 1.7, 12-10-80; Ord. 12-18(7), 12-5-12, effective 4-1-13; § 1.6, Ord. 15-18( ), _____)

State law reference – Va. Code §§ 15.2-2285(A), 15.2-2286(A)(7), 15.2-2300.

~~**Sec. 1.8 Certified copy, filing**~~

~~A certified copy of the Zoning Ordinance and Zoning Map of Albemarle County, Virginia, shall be filed in the office of the zoning administrator and in the office of the Clerk of the Circuit Court of Albemarle County, Virginia.~~

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

_____
Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	____	
Ms. Mallek	____	____
Ms. McKeel	____	____
Ms. Palmer	____	____
Mr. Randolph	____	____
Mr. Sheffield	____	____