

## **LAND USE AND PLANNING GLOSSARY**

### **County of Albemarle, Virginia**

Comprehensive Plan: The Comprehensive Plan is the fundamental planning tool for the physical development of the County. When completed and adopted by the Board of Supervisors, the Northern Development Areas Master Plan will become a part of the Comprehensive Plan. State law requires each county to have a Comprehensive Plan. The purpose of the Comprehensive Plan is to guide the coordinated, adjusted, and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants of the County. A Comprehensive Plan may include, but is not limited to, elements addressing land use, transportation, community service facilities, historical areas and renewal, groundwater protection, and affordable housing. The Albemarle County Comprehensive Plan is more extensive than what is required by State law; it also lists the goals, objectives, and strategies for successful implementation.

At least once every five years, state law requires that the Comprehensive Plan be reviewed by the Planning Commission to determine whether amendments are needed. In Albemarle County, the most recent five-year update was initiated in 1994 and is still underway. To date, components completed include the Land Use Plan, Natural Resources and Cultural Assets, the Neighborhood Model, and the Rural Areas chapter.

Comprehensive Plan Amendments (CPAs): Amendments to the Comprehensive Plan may be initiated either by the Planning Commission on its own motion or at the direction of the Board of Supervisors. While there is nothing specific in the law that would allow individual property owners to initiate Plan amendments, the County permits property owners to do so. In fact, landowners who want to rezone are advised to first seek a Comprehensive Plan Amendment if their proposed rezoning plan is not consistent with the Plan.

Comprehensive Plan Amendments (CPAs) follow a two-step process. First, the Planning Commission must adopt (or decline to adopt) a resolution of intent to consider an amendment to the Comprehensive Plan. Only after adoption of this resolution does the Commission review the amendment request and forward its recommendation to the Board of Supervisors. The Planning Commission may decide to enlarge or decrease the area under review and is not limited to considering only the applicant's original request. A CPA is generally a lengthy process.

In a "2232 Review," the Planning Commission must determine whether a proposed public improvement is substantially in accord with the Comprehensive Plan.

Designated Development Areas (also referred to Growth Areas, Urban Areas): For over thirty years, Albemarle County's growth management approach has been to direct development to designated areas and preserve the rural portion of the County

for agriculture, forestry, and resource conservation. The Designated Development Areas consist of the Urban Neighborhoods (Neighborhoods 1 through 7) surrounding the City of Charlottesville, the Communities of Crozet, Hollymead, and Piney Mountain, and the Village of Rivanna. These areas are shown in color on the map called the Land Use Plan. Each color refers to a type of land use. The present boundaries of the Designated Development Areas have been in place for a number of years.

Jurisdictional Area Amendment (JAA): Water and sewer jurisdictional areas are those portions of the County that can be served by water and/or sewer service. These areas generally follow the Designated Development Area boundaries. An amendment to the Albemarle County Service Authority Jurisdictional Area(s) is requested by a landowner who wants public water and/or sewer service extended to his/her property. Public water and/or sewer are extended to parcels outside those boundaries only under very limited circumstances. This is the way Albemarle County uses its public utility policy to reaffirm its long-standing growth management philosophy; that is, encouraging higher density residential, commercial and industrial development in the Designated Development Areas and discouraging this type of development in the Rural Areas.

Land Use Plan: The Land Use Plan is one part of the Albemarle County Comprehensive Plan. It is often thought of as a map, but it also has an extensive written text that addresses each of the Designated Development Areas and sets forth County policy regarding utilities, community facilities, transportation, and other areas. Its land use recommendations are sometimes referred to as "the colors on the map," because the various categories of uses appear as different colors on the Land Use map. Examples of land use categories are Neighborhood Density Residential, Urban Density Residential, Community Service, Regional Service, and Industrial Service. When an applicant requests a change in land use that is not consistent with the Land Use Plan, the applicant is advised of that inconsistency by staff. He/she is then advised that a Comprehensive Plan Amendment should be obtained before the request itself will be acted upon by the Planning Commission.

Zoning Ordinance, Zoning Map: As implemented in Albemarle County, the Zoning Map and Zoning Ordinance divide the County into numerous zoning districts. These districts generally fall into four main categories: rural, residential, commercial, and industrial. The County's newest zoning district, the Neighborhood Model District, allows for mixed use development as described in the Comprehensive Plan, Neighborhood Model. State law allows a county to prepare and adopt a zoning ordinance although it is not required to do so. The Zoning Ordinance is available online on the Albemarle County homepage, at [www.albemarle.org/countyattorney](http://www.albemarle.org/countyattorney) .

Zoning Map Amendment (ZMA): Commonly referred to as a "rezoning," a zoning map amendment changes the zoning applicable to a parcel of land. An example would be changing a parcel from residential to commercial use. A rezoning may be initiated by a property owner, contract purchaser with the owner's consent, or the owner's agent;

it may also be initiated by a motion of the Planning Commission or a resolution of the Board of Supervisors.

Conditional Zoning (Proffers): Under conditional zoning, the County may accept proffers from an applicant for a zoning map amendment. A proffer is generally defined as an offer made by a landowner during the review process to perform a specified act or donate money, a product, or services to justify the propriety of the rezoning. Proffers are unique to the rezoning process and are not available during subdivision, special use permit, or site plan processes. Proffers must be voluntary. Once they are accepted by the County, they become a part of the zoning of the property. Proffered conditions are in addition to the applicable Zoning Ordinance regulations, and they are binding on the property until it is rezoned or they are amended.

Zoning Text Amendment (ZTA): A zoning text amendment changes the Zoning Ordinance itself, and can be initiated by a property owner, contract purchaser with the owner's consent, or the owner's agent; by resolution of the Board of Supervisors; or by motion of the Planning Commission. The Commission makes a recommendation to the Board of Supervisors, which is the only County body authorized to change the text of Zoning Ordinance. Examples of a ZTA are revisions of the types of uses permitted in a particular zoning district or the establishment of regulations for a particular type of activity authorized by a special use permit.

Site Development Plan (SDP): A site development plan, often called a site plan, is a proposal for development that complies with the existing zoning for the property. The plan includes a schematic drawing and depicts all information pertinent to the development, such as easements, placement and size of buildings, density, common open spaces, public facilities, and other information. For nonresidential uses, a site plan is required for all new development when there is a change in use. For residential uses, a site plan is required whenever the development involves three or more single-family dwelling units.

An applicant submits a site development plan for review by several County departments (Planning, Building Code and Zoning Services, Engineering, Fire Rescue and others, as appropriate) and the Virginia Department of Transportation (VDOT). Written comments and requests for revision are provided to the applicant. The initial submittal, referred to as a preliminary site development plan ("preliminary plan"), is reviewed, revised as necessary, and, if it meets all applicable requirements, approved for a period of one year. An approved final site development plan ("final plan") is valid for a period of five years from the date of approval.

Site development plans are ordinarily approved by staff in an administrative review process. However, the Planning Commission may be asked to consider and approve or disapprove a preliminary site development plan under the following circumstances: there are conflicts that were not resolved at the staff level; the applicant seeks a modification, waiver, or substitution of site plan improvement requirements; a

member of the Commission, a member of the Board of Supervisors, or an adjacent property owner requests a review before the Commission. The following situations require a review of a final site development plan by the Commission: the final site plan has been submitted after expiration of the preliminary site development plan approval; the Commission specifically has asked to review the final plan; the applicant has made or wants to make substantial changes from the approved preliminary plan.

Certain minimum standards of the Zoning Ordinance pertaining to site development plans may be modified, waived, or substituted with approval by the Planning Commission. A common request of this type is a waiver to allow grading within areas of critical slopes (slopes of 25% grade or greater).

Special Use Permits: Each zoning district allows a number of uses by right and a number of uses by special use permit. Uses allowed by special use permit are those considered to be generally consistent with the by right uses, but ones that may have a potentially greater impact on the neighboring properties or the public. Conditions are imposed on the special use to address these potential impacts. They require case-by-case review, with a recommendation made by the Planning Commission to the Board of Supervisors for final action.

The Board of Supervisors may revoke a special use permit for willful noncompliance with the Zoning Ordinance or the adopted conditions of the permit, or for failure to commence the use, structure, or activity within the prescribed period of time. Before a special permit is revoked, the Board conducts a public hearing with the required public notice.

Subdivision: A subdivision divides an existing piece of property into two or more parcels. There are different types of subdivisions, including family divisions and rural divisions. The subdivision of land requires administrative review and approval of preliminary and final plats. A plat is a map or plan of a tract or parcel of land that is to be subdivided. The plat is prepared by a licensed surveyor or professional engineer. The plat contains information including, but not limited to, legal boundaries, land area, dedicated easements, road access, availability of public sewer or private septic on the site, availability of a building site, and remaining development rights. State law requires that a county adopt regulations governing the subdivision of land.

The Planning Commission may consider and approve or disapprove a preliminary plat if there are conflicts or issues that were not resolved at the staff level; if the applicant seeks a variation or substitution of Subdivision Ordinance requirements; or if a member of the Commission, a member of the Board of Supervisors, or an adjacent property owner requests Commission review. An approved preliminary subdivision plat is valid for one year from the date of approval; an approved final subdivision plat must be recorded with the Clerk of the Court within one year from the date of approval to remain valid. In the case of a phased subdivision, after the first

section of the final plat has been recorded, the applicant has the right to record the remaining sections shown on the preliminary plat for a period of five years.

The Subdivision Ordinance is available online at the Albemarle County homepage, [www.albemarle.org/countyatorney](http://www.albemarle.org/countyatorney).

Variance: A variance is an approval granted by the County's Board of Zoning Appeals that allows a reasonable deviation from the Zoning Ordinance's regulations pertaining to the size or area of a parcel, or the size, area, bulk, or location of a building or structure. A variance may not allow a change in use, which should be accomplished by a rezoning.

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