



County of Albemarle
COMMUNITY DEVELOPMENT

LEA BRUMFIELD
Senior Planner II, Zoning
lbrumfield@albemarle.org
tel: 434-296-5832 ext. 3023

MEMORANDUM

To: Planning Commission

From: Lea Brumfield, Senior Planner II

Date: March 26, 2024

Re: Zoning Ordinance Modernization - Phase I Worksession #3

Background

Beginning in August 2022, Albemarle County staff have been working to modernize the County's Zoning Ordinance with the help of the Berkley Group, a local government consulting firm. The stated 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 citizen 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. 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.

Previous meetings and worksessions have covered the following topics:

- **August 23, 2022 – Worksession 1: Project scope and kickoff**
 - This meeting discussed the phasing of the new project and the intended schedule of the first phase.
- **December 13, 2022 – Zoning evaluation report**
 - The objective of this meeting was to share with the Planning Commission the initial findings of the first round of public engagement as well as the current zoning ordinance evaluation report.
- **March 28, 2023 – Worksession 2: Articles 1 and 2**
 - This worksession focused on Article 1 - General Provisions, and Article 2 – Administration.
- **July 25, 2023 – Update on Phase 1**
 - This presentation covered the the schedule and progress to date, compared the current ordinance with the proposed language, reviewed best practices, and covered the next steps and future phases.

Drafting Style Guide and Changes

The draft is written to create a more user-friendly ordinance, with the following style guidelines:

1. **Avoid jargon.** Whereas the prior ordinance was written in legalistic writing, this ordinance is written in “plain English.” Wherever possible, the updated ordinance is written for multiple audiences, including the general public, staff, and developers.
2. **Be brief.**
3. **Use logical and consistent organization.** For example, Article 3 reorganizes all application types under individual Divisions, following the Division describing general provisions and common procedures.

4. **Create a consistent hierarchy.** Throughout the Zoning Ordinance, the hierarchy will follow Chapter -> Article -> Division -> Section
5. **Use numbered lists over paragraphs.** Numbered lists are a visual aid that help to organize information and make the document more scannable and easier to read.
6. **Avoid creating indented lists more than 3 levels deep.**
7. **Use subheadings.** Subheadings make the document easily scannable.
8. **Use consistent acronyms.** The first time an acronym is used in each Section is spelled out, and the acronym is used after.
9. **Use the active and inclusive voice.** Active voice requires or stipulates actions, avoiding confusion in interpreting the ordinance.
10. **State requirements in the positive.** Where possible, state requirements using positive words like “may” rather than “may not.”
11. **Avoid repeating state code.**
12. **Incorporate best practices.** Where possible, use best planning and ordinance practices.
13. **Incorporate tables and graphics.**

Article 3

Article 3 consolidates the applications and permits enabled under the Zoning Ordinance and provides standardized processes and clarified regulations for each application and permit. Currently, these regulations are scattered throughout the ordinance, and many processes are not codified. Additionally, lists of application requirements are included within the Ordinance for Zoning Text Amendments and Special Use Permits, while best practices dictate that application requirements be removed from the Ordinance. Codifying application requirements hampers adaptive requirements, as the County’s needs evolve, and unnecessarily lengthens the Ordinance.

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

- Section 5.2 - Home occupations in zoning districts other than the rural areas zoning district
- Section 5.2A - Home occupations in the rural areas zoning district
- Section 30.6 - Entrance corridor overlay district (EC)
- Section 31 - Administration and enforcement
- Section 32 - Site plan
- Section 33 - Zoning text amendments, zoning map amendments, special use permits and special exceptions
- Section 34.4 - Variances

The Article begins with general principles and processes for applications, which are standardized. This standardization across application types creates predictability for applicants and staff, and ties into forthcoming switch to permit submission, tracking, and review through the Enterprise Licensing and Permitting (EP&L) software.

Following the Division describing general principles and processes, Divisions describe the individual regulations for each application type. Each Division lists the applicability of the application type, which describes under which circumstances the permit is required or may be requested and designates the Agent who is enabled to administer the individual application type. The two Agents in this Ordinance are the Zoning Administrator or the Director of Planning, or a designee of those two offices. Under standards and procedures, each application type lists which common procedures listed apply to each application type. For example, a special use permit is subject to requirements for a preapplication meeting, a community meeting, standard application requirements, staff review, review by the Planning Commission, and decision by a decision-making body. However, a zoning permit is only subject to standard application requirements and staff review before staff may make an action on the permit.

The application types in Article 3 are:

- Zoning Text Amendments

- Zoning Map Amendments
- Conditional Zoning Map Amendments (Proffers)
- Special Use Permits
- Zoning Permits
- Variances
- Site Plans
- Certificates of Appropriateness
- Zoning Permits
- Building Permits and Certificates of Occupancy
- Legislative Modifications (formerly Special Exceptions)
- Zoning Determinations
- Appeals
- Public Hearings and Notice

While some of the application requirements are being removed from the ordinance, like the list of required items to be included in a narrative for a Zoning Map Amendment or a Special Use Permit, these requirements are not disappearing. Instead, as enabled by the draft Ordinance under Section 3.1.4(B), “The Agent may establish application procedures in addition to the procedures contained in this Article,” which shifts these required items out of the Ordinance. Currently, the required items are included in a checklist provided to applicants following required preapplication meetings, and this process will not change, resulting in no difference in process to the applicant. Additionally, the EP&L software will be able to provide this list of required items to be included in an application directly to the applicant during the application process.

One notable point of clarification was the codification of the Board of Supervisor’s adopted standards of procedures for the submission of proffers. While currently governed by the Board’s adopted standards, the required timeline for signed proffers does not exist in the current ordinance. By including this timeline in the ordinance, this requirement is made clearer for applicants, and easier for staff to administer.

Overall, consistency between application types makes the Ordinance easier to read and administer. By creating a predictable format between the application types, exceptions to the common procedures are highlighted, and the reader may easily search for and find the information for each application type.

Article 10

Article 10 consolidates the regulations regarding nonconformities, in the current Ordinance primarily from the following:

- Section 4.1 - Water supplies and sewer systems
- Section 4.2.6 - Exemptions
- Section 4.15.1 - Nonconforming signs
- Section 6 - Nonconformities
- Section 30.3.16 - Nonconforming uses and structures

Nonconformities are largely governed by the requirements of the Virginia Code, and as such, repetitive language copying Virginia Code was removed from this Article. Where the language was retained, it was simplified into “plain English” where possible, and reorganized into numbered lists for readability as referenced above.

Next Steps

Following this worksession, staff will be incorporating feedback into the draft Ordinance and soliciting additional feedback from stakeholders, including key County staff within Community Development, Charlottesville Area Development Roundtable (CADRe), and Blue Ridge Home Builders Association (BRHBA).

Upon consideration of this feedback, staff will return to the Planning Commission for a wrap-up worksession on the entirety of Phase 1, presenting Articles 1, 2, 3, and 10, anticipated in June or July 2024. After that worksession, the draft Articles will be presented to the Board of Supervisors for a worksession.

Phase 2

After completing Phase 1 of the Zoning Ordinance Modernization project, the project will be moving on to Phase 2, which encompasses community design standards required for new projects, like street standards, canopy requirements, recreational requirements, lighting standards, and design requirements, among other standards. As noted in previous worksessions and presentations, these later Phases of the Zoning Ordinance Modernization project will require guidance from the Comprehensive Plan, which is currently undergoing a rewrite. As such, while staff is currently working on the scope of Phase 2 and creating funding requests for this phase, this Phase will not begin in earnest until the Comprehensive Plan has solidified a number of actionable steps to guide the community guidelines ordinance drafting.

Per a recent conversation with staff from the Comprehensive Plan team, the Comprehensive Plan is on track to have actionable steps by July or August 2024.

Work Session Questions

1. What general feedback does the Planning Commission have on Article 3?
2. What general feedback does the Planning Commission have on Article 10?

Attachments

Attach. 1 - [ZTA2022-02 Zoning Modernization Phase I - Zoning Ordinance Modernization Phases](#)

Attach. 2 - [ZTA2022-02 Zoning Modernization Phase I - Article 3 - Applications and Permits](#)

Attach. 3 - [ZTA2022-02 Zoning Modernization Phase I - Article 10 - Nonconformities: Uses, Structures, Parcels, and Signs](#)