



ALBEMARLE COUNTY  
ZONING TEXT AMENDMENT  
STAFF REPORT SUMMARY

<b>Project Name:</b> ZTA202000003 Outdoor Activities/Outdoor Storage at Recycling Uses in Industrial Zoning Districts	<b>Staff:</b> Rebecca Ragsdale, Principal Planner
<b>Planning Commission (PC) Work Session:</b> October 13, 2020	<b>Board of Supervisors (BOS) Resolution of Intent:</b> <u>June 3, 2020</u>
<b>Planning Commission (PC) Public Hearing:</b> November 10, 2020	<b>Board of Supervisors (BOS) Hearing:</b> December 16, 2020 (tentative)
<b>Estimate of Affected Acreage (source GIS):</b> Heavy Industrial (HI) Zoning- 105 acres Light Industrial (LI) Zoning- 1,018 acres	<b>Future Land Use:</b> Multiple, including Rural Area, Light Industrial, and Heavy Industrial
<p>Amend Albemarle County Code § 18-5.1.51 (Outdoor activities in industrial districts) and Albemarle County Code § 18-5.1.52 (Outdoor storage in industrial districts) as follows:</p> <p><b>Albemarle County Code § 18-5.1.51</b> (Outdoor activities in industrial districts) - Amend to permit special exceptions to this section only after notice to abutting property owners. Currently, there is no requirement to notify abutting property owners.</p> <p><b>Albemarle County Code § 18-5.1.52</b> (Outdoor storage in industrial districts) to:</p> <ul style="list-style-type: none"> <li>• Require outdoor storage areas in industrial districts be fully screened by a planting strip, existing vegetation, berm, a solid wall or fence, or a combination thereof. Currently, the ordinance specifies that storage areas be screened by a solid wall or fence not less than seven feet nor more than ten feet in height.</li> <li>• Allow the outdoor storage of inert materials at a recycling collection or recycling processing center provided that the materials are stored no closer than 100 feet to any abutting agricultural or residential lot line and that a vegetative buffer is maintained within the required 100-foot setback. Currently, outdoor storage of materials at a recycling processing center is prohibited.</li> <li>• To permit special exceptions to this section only after notice to abutting property owners. Currently, there is no requirement to notify abutting property owners.</li> </ul>	
<p><b>Recommendation:</b> Staff recommends that the Planning Commission recommend approval of the proposed ordinance changes found in Attachment B.</p>	

**STAFF CONTACT:**

Rebecca Ragsdale, Principal Planner

**PLANNING COMMISSION:**

November 10, 2020

**ZTA: ZTA202000003 Outdoor Activities/Outdoor Storage at Recycling Uses in Industrial Zoning Districts**

**PROPOSAL:**

This zoning text amendment would amend Albemarle County Code § 18-5.1.51 (Outdoor activities in industrial districts) and Albemarle County Code § 18-5.1.52 (Outdoor storage in industrial districts) as follows:

**Albemarle County Code § 18-5.1.51** (Outdoor activities in industrial districts) - Amend to permit special exceptions to this section only after notice to abutting property owners. Currently, there is no requirement to notify abutting property owners.

**Albemarle County Code § 18-5.1.52** (Outdoor storage in industrial districts) to:

- Require outdoor storage areas in industrial districts be fully screened by a planting strip, existing vegetation, berm, a solid wall or fence, or a combination thereof. Currently, the ordinance specifies that storage areas be screened by a solid wall or fence not less than seven feet nor more than ten feet in height.
- Allow the outdoor storage of inert materials at a recycling collection or recycling processing center provided that the materials are stored no closer than 100 feet to any abutting agricultural or residential lot line and that a vegetative buffer is maintained within the required 100-foot setback. Currently, outdoor storage of materials at a recycling processing center is prohibited.
- To permit special exceptions to this section only after notice to abutting property owners. Currently, there is no requirement to notify abutting property owners.

**PUBLIC PURPOSE TO BE SERVED:**

The amendment is intended to facilitate flexibility for outdoor storage at recycling facilities in Industrial Zoning districts. This may help increase the amount of recyclable materials put to positive use and diverted from landfills, which is a goal of the County's Climate Action Plan.

**BACKGROUND:**

The Board of Supervisors endorsed the Community Development 2020 Work Program on March 4, 2020 which included a zoning text amendment (ZTA) to revisit recycling and materials recovery regulations in the Industrial zoning districts to encourage more recycling uses without the need for special exceptions. This ZTA is identified as a "nimble" project with a focused scope and streamlined process to move more quickly with limited staff resources. On June 3, 2020 the Board of Supervisors adopted a resolution of intent to consider amending the Zoning Ordinance §§ 18-5.1.51 and 18-5.1.52 as they relate to materials recovery facilities outdoor activities and outdoor storage.

The Planning Commission held a work session on October 13, 2020 to review possible changes to the ordinance amendments (Attachment A). The Commission was supportive of the staff recommended changes and these are reflected in the draft ordinance attached. (Attachment B)

**STAFF COMMENT:**

This ordinance is limited to supplemental regulations for outdoor activities and outdoor storage in industrial districts. Supplemental regulations found in Section 5 are in addition to all applicable ordinance requirements and are put in place to mitigate potential impacts from more intense land uses. Unless a waiver or modification is expressly prohibited, any requirement of section 5 may be modified or waived in an individual case. Industrial uses are also subject to performance standards in Section 4 that address noise, glare, heat, vibration, and lighting.

Recommended ordinance changes are indicated below and provided in Attachment B.

**Sec. 5.1.51 - Outdoor activities in industrial districts.**

Except as otherwise expressly permitted for a particular use, each use permitted by right or by special use permit in an industrial district shall be subject to the following:

- a. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building.
- b. No outdoor activity, including the location of internal access roads, shall be established, conducted or used within 100 feet of a residential or agricultural district.
- c. No activity shall be conducted outdoors between 7:00 p.m. and 7:00 a.m.
- d. Special exceptions to the requirements of this section may be granted only after notice to abutting property owners.

**Sec. 5.1.52 - Outdoor storage in industrial districts.** Except as otherwise expressly permitted for a particular use, the outdoor storage of parts, materials and equipment in an industrial district shall be subject to the following:

- a. ~~Storage areas shall~~ must be fully screened by a planting strip, existing vegetation, berm, a solid wall or fence, or a combination thereof, to the reasonable satisfaction of the agent. ~~by a solid wall or fence, including solid entrance and exit gates, not less than seven feet nor more than ten feet in height.~~
- b. ~~No wall or fence screening a storage area shall encroach into a sight distance triangle. The parts, materials and equipment stored in a storage area shall not be stacked higher than provided screening. than the screening wall or fence.~~
- c. No outdoor storage shall be located within 50 feet of a residential or agricultural district.
- d. The outdoor storage of recyclable materials, other than inert materials, at a recycling collection or recycling processing center is prohibited. The outdoor storage of such inert materials must comply with the following:
  - i. No inert materials may be stored within 100 feet of any agricultural or residential lot line.
  - ii. Trees and vegetation within the 100-foot setback must be maintained as a buffer to abutting properties.
- e. Special exceptions to the requirements of this section may be granted only after notice to abutting property owners.

**Analysis of the proposed zoning text amendment:**

Zoning Ordinance section 33.6(B) establishes factors to be reasonably considered by the Planning Commission and Board of Supervisors in the review of ZTAs.

*Factors to be considered.* In acting on a zoning text amendment, the Board shall reasonably consider the following factors: (i) the existing use and character of property; (ii) the Comprehensive Plan; (iii) the suitability of property for various uses; (iv) the trends of growth or change; (v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; (vi) the community's transportation requirements; (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services; (viii) the conservation of natural resources; (ix) preserving flood plains; (x) protecting life and property from impounding structure failures; (xi) preserving agricultural and forestal land; (xii) conserving properties and their values; and (xiii) encouraging the most

appropriate use of land throughout the County. The Board's failure to expressly consider all of these factors does not invalidate its action.

Given that this zoning text amendment is very limited in scope, a number of these factors are either not applicable or proposed regulations will have no affect on those factors.

This zoning text amendment will amend supplemental regulations only applicable to industrial zoned properties in the County. The proposed ordinance adds flexibility to the types of screening allowed to screen outdoor storage in industrial districts. It would also allow outdoor storage of inert materials, provided they are completely screened. These ordinance changes are not expected to change the character of the affected industrial properties. The proposed ordinance includes minor changes only that are not in conflict with goals and strategies of the Comprehensive Plan related to the Rural Area, resource protection, and may facilitate economic development by allowing outdoor storage of inert material, which is now prohibited. Because there are a number of industrial properties located in or adjacent to the Rural Area, Entrance Corridor, or residential properties, staff believes that any other modifications to these sections of the ordinance should still be considered through the special exception process.

**Administration/Review Process:**

The special exception process will still remain in place that would allow a modification or waiver to the requirements found in Zoning Ordinance §§ 18-5.1.51 and 18-5.1.52. For consistency with other sections of the ordinance, notice to abutting property owners for special exception requests is recommended. Providing flexibility in the types of screening that may be provided for outdoor storage in industrial districts, along with allowing outdoor storage of inert materials, may result in fewer special exception requests.

**Housing Affordability:**

This proposal would have no impact on housing affordability.

**Implications to Staffing/Staffing Costs:**

Staff estimates this zoning text amendment will not increase workload impacts. By providing additional flexibility in the regulations, it may lead to fewer special exception requests. Typically, staff estimates workload equivalent to 0.05 FTE for a Senior Planner to perform special exception review.

**RECOMMENDED ACTION:**

Staff recommends approval of the proposed zoning text amendment found in Attachment B.

**ATTACHMENTS**

- A. Att A [Staff Report from 10-13-2020](#)
- B. Att B [Draft Ordinance](#)