



ALBEMARLE COUNTY PLANNING
SUBDIVISION TEXT AMENDMENT
STAFF REPORT SUMMARY

Project Name: ZTA202300003 Residential Density Bonus Factors	Staff: Bill Fritz
Planning Commission (PC) Hearing: September 12, 2023	Board of Supervisors (BOS) Hearing: TBD
Proposal(s): The proposed amendment would clarify that if no density range or maximum density is shown in the comprehensive plan, no bonus density factor may be applied.	
Factors Favorable: 1. Implements the intent of the comprehensive plan.	Factors Unfavorable: 1. None identified.
Recommendation: Staff recommends approval of the proposed ordinance.	

STAFF CONTACT: William D. Fritz, AICP
PLANNING COMMISSION: September 12, 2023
BOARD OF SUPERVISORS: TBD

STA: ZTA202300003 Residential Density Bonus Factors

ORIGIN: Board of Supervisors resolution of intent adopted on March 1, 2023. (Attachment 1)

PROPOSAL: The proposed amendment would clarify that if no density range or maximum density is shown in the comprehensive plan, no bonus density factor may be applied.

PUBLIC PURPOSE TO BE SERVED: The proposed amendment brings the zoning ordinance into alignment with the comprehensive plan.

BACKGROUND: On September 27, 2022, the Zoning Administrator issued a letter of determination that residential bonus factors could not be used in areas designated as Office/Research & Development (R&D)/Flex/Light Industrial in the comprehensive plan. On January 3, 2023, the Board of Zoning Appeals reversed the Zoning Administrator’s determination. The decision of the BZA allows the use of residential bonus factors in areas not recommended primarily for residential uses.

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. Each factor is reviewed below:

(i) the existing use and character of property

The use of bonus provisions allows for an increase in the residential density in return for providing specific benefits to the community. These community benefits include preservation of wood areas, provision of affordable housing and design standards. Allowing properties to achieve densities above that recommended in the Comprehensive Plan is inconsistent with the purpose of the Zoning Ordinance and good planning practices.

(ii) the Comprehensive Plan

One of the stated purposes of the zoning ordinance is, “The regulations, in, and the districts established by, this chapter are intended to implement the policies, goals and objectives of the comprehensive plan”. The proposed amendment brings the Zoning Ordinance into alignment with the Comprehensive Plan by aligning the permitted residential density with that shown in the Comprehensive Plan.

(iii) the suitability of property for various uses

Residential density should be within the range recommended by the Comprehensive Plan. This amendment aligns the Zoning Ordinance with the Comprehensive Plan.

(iv) the trends of growth or change

This amendment allows for bonus factors to be used consistent with the Comprehensive Plan which is the guiding document to address growth in the County.

(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

This amendment implements the intent of the Comprehensive Plan and the studies that go into the development of density recommendations.

(vi) the community’s transportation requirements

Approval of this amendment prevents excess residential development not anticipated by the County or VDOT when determining the extent of transportation improvements and maintenance.

- (vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services

Development that exceeds the recommended density in the Comprehensive Plan can have a negative impact on public services. Approval of this amendment aligns the density of development with the estimated need for public services as determined by the Comprehensive Plan and other studies.

- (viii) the conservation of natural resources

Residential development above that recommended in the Comprehensive Plan may have negative impacts on natural resources.

- (ix) preserving flood plains

Residential development is not permitted in flood plains. This amendment has no impact on flood plains.

- (x) protecting life and property from impounding structure failures

Residential development is subject to the dam break inundation zone regulations regardless of the density. This amendment has no impact on impounding structure failures.

- (xi) preserving agricultural and forestal land

Bonus factors are not available in the Rural Areas. This amendment has no impact on agricultural or forestal lands.

- (xii) conserving properties and their values

Development beyond the recommended density in the Comprehensive Plan may result in additional crowding of the land beyond what was anticipated. This may have negative impacts on adjacent properties.

- (xiii) encouraging the most appropriate use of land throughout the County

The Comprehensive Plan is the primary guiding document used by the County to determine appropriate land uses. This amendment is an effective tool to encourage appropriate land use.

- (xiv) equity

The proposed amendment applies to all conventionally zoned residential districts and results in a predictable level of residential development.

Strategic Plan:

Quality of Life - Encourage a vibrant community with economic and recreational opportunities that serve all community members.

Ordinance Amendment Review Criteria

All ordinance amendments are reviewed under these three criteria previously established by the Board:

Administration/Review Process:

The proposed amendment would establish clear and unambiguous requirements.

Housing Affordability:

The proposed amendments would prevent the use of the bonus provision for affordable housing if the use of the bonus provisions results in the density exceeding the recommended density in the Comprehensive Plan.

Implications to Staffing/Staffing Costs:

The proposed amendments would have no positive or negative impact on staffing or staffing cost.

RECOMMENDED ACTION: Staff recommends approval of the proposed ordinance to the Board of Supervisors.

ATTACHMENTS

Attachment 1 – ZTA202300003 Residential Density Bonus Resolution of Intent

Attachment 2 – ZTA202300003 Residential Density Bonus Proposed Ordinance