

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA201000004 Phase III Industrial Uses	AGENDA DATE: March 13, 2013
SUBJECT/PROPOSAL/REQUEST: Adoption of zoning text amendment pertaining to the Industrial Zoning districts and the uses permitted therein	ACTION: X INFORMATION:
STAFF CONTACT(S): Messrs. Davis, Kamptner, Cilimberg and Newberry; and Messes McCulley, Stimart, Baldwin and Burbage	CONSENT AGENDA: ACTION: INFORMATION:
PRESENTER (S): Mr. Wayne Cilimberg	ATTACHMENTS: Yes
LEGAL REVIEW: Yes	REVIEWED BY:

BACKGROUND:

On December 5, 2012, the Board of Supervisors held a work session on this proposed zoning text amendment intended to *modernize regulations to provide greater flexibility for today's industrial uses while preserving the integrity of the industrial districts and accommodating target industries*. In summary, the draft zoning text amendment reviewed at that work session provided the following:

- Definitions of several of the new uses proposed in the industrial districts to facilitate their understanding and implementation (Sec. 3.1).
- Further clarification of the information required in a certified engineer's report based on the proposed uses (Sec. 4.14.5).
- Clarification and addition of supplemental regulations pertinent to certain proposed uses to address their potential impacts on surrounding areas (Sec. 5.1).
- Authorization of the proposed uses within the planned development industrial park zoning district (Sec. 8.5.5.2).
- Clarification of the statement of intent for industrial districts (Sec. 26.1).
- Delineation of permitted and prohibited uses and structures, including a table of industrial and non-industrial uses allowed by-right, by special use permit and by special exception (Sec. 26.2).
- Further clarification of structure height, setback (Sec. 26.3) and minimum yard (Sec. 26.4) standards to be consistent with the terminology used elsewhere in the Zoning Ordinance.

After staff's presentation, the Board agreed to proceed to public hearing, but requested that staff first address the following:

- **Remove multi-family dwellings as a use permitted in industrial districts.** Board members who spoke at the work session stated that such residential uses were not appropriate in areas of industrial use and could compete with industrial uses for available land.
- **More tightly define what constitutes supporting commercial and supporting office uses.** Board members who spoke at the work session stated that the ordinance did not clearly describe what type of businesses would be "supporting."
- **Further address allowances for independent offices and general commercial uses.** Board members who spoke raised concerns that the retention of independent offices and the introduction of general commercial uses (i.e., uses allowed by-right or by special use permit in the commercial districts) were not consistent with the Economic Vitality Action Plan's intent to pursue "*strategies to stop the conversion of properties zoned light industry (LI) to commercial, office and other uses that are not "core" industrial uses.*" There was general acceptance by the Board to maintain an allowance for independent offices in existing buildings, but not in building expansions and new buildings, except by special use permit. There also was Board willingness to consider allowing general commercial uses in existing buildings only (not in building expansions and new buildings), but only by special use permit. There was an interest in establishing

limitations to the location and extent of allowed space for independent offices and general commercial uses when permitted.

STRATEGIC PLAN:

3. Encourage a diverse and vibrant local economy.

DISCUSSION:

The revised ordinance (Attachment A), which addresses input provided by Board members at the December 5, 2012 work session, includes the following:

- Multi-family dwellings have been removed as a proposed permitted use in the industrial districts.
- “Supporting office” has been removed as a separate new use category and has been merged with the “supporting commercial” use category. The definition of “supporting commercial” has been further clarified to identify use types that would be within the definition (see *Section 3.1 Definitions*).
- The regulation of “independent office” use has been clarified to allow the use by-right within structures existing or vested on the date of adoption of this ordinance; by special use permit within structures not established or not vested until after the date of adoption of this ordinance; and by special use permit within the expanded portion of structures where expansion is not established or not vested until after the adoption date of this ordinance (see *Offices in Table under Section 26.2 a. Primary uses and structures*). In addition, planned development industrial parks are explicitly grandfathered for uses (such as independent office) permitted at the time of their rezoning (see *Section 26.2 b. Planned industrial parks approved on or before March 13, 2013*).
- The regulation of general commercial uses would be allowed by special use permit in the industrial districts **only** within structures existing or vested on the date of adoption of this ordinance. They would **not** be permitted in building expansions and new buildings (see *Commercial Uses in Table under Section 26.2 a. Primary uses and structures*).
- Special use permits for independent offices and general commercial uses would be evaluated for consistency with specific factors, including: (1) the use should not be located on the lowest floor having exterior access (to reserve this floor for industrial use); (2) the gross floor area of each establishment should not exceed 3,000 square feet (to limit the size of each non-industrial establishment); (3) the aggregate floor area of uses should not exceed 24,000 square feet and should not exceed 25% of the total floor area (to limit aggregate area of non-industrial uses); and, (4) whether the structure is constructed to building code standards for industrial structures (to provide availability of appropriate building space for industrial use). (See *Section 26.3 Independent offices and general commercial uses; additional factors when considering special use permits*).

A comparison of current ordinance provisions to those proposed in both this ZTA and ZTA201200013 Industrial Uses in Commercial Districts, which is concurrently before the Board of Supervisors, is provided in Attachment C. Several sample use approval scenarios comparing current requirements to provisions under the proposed ordinances are provided in Attachment D. In summary, as Attachments C and D indicate, these ordinances provide greater opportunities for industrial uses to locate by-right on industrially zoned land. On-site subordinate retail sales of an industrial use’s products and on-site commercial uses that directly support the industrial uses are also more permissive (up to 25% of gross floor area by-right; over 25% by special exception). Office uses directly affiliated with industries remain by-right, but independent offices are more restricted unless they are located in existing or vested structures or are within a previously approved planned development industrial park under current or prior zoning regulations. General commercial uses will be allowed when appropriate, but only in existing or vested structures with an approved special use permit.

Paired with ZTA201200013 Industrial Uses in Commercial Districts, the amendments in this ordinance collectively remove certain barriers and provide industrial uses, including the County’s target industries and smaller scale “Mom and Pop” enterprises, greater location opportunities. Of particular note, small scale enterprises and “start-ups” are typically less capable of absorbing higher costs for market-constricted available space and/or development review fees/carrying costs associated with permit processing. The provisions in the proposed ordinance which allow a broader range of by-right industrial uses help small scale enterprises by opening up spaces where such uses are currently either not allowed or required to have a special use permit. This proposed ordinance also builds on prior

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zoning text amendments that liberalized allowances for Home Occupations in the Rural Areas, giving those that are “cottage industries” more location alternatives for growth and expansion.

BUDGET IMPACT:

Categorized by-right industrial uses and greater definition of uses subject to special use permit and special exception should reduce the staff time necessary to make determinations and administer the Zoning Ordinance. The County’s tax base can also benefit from the expanded location opportunities for business and industry the proposed ordinance provides.

RECOMMENDATIONS:

Staff recommends approval of ZTA201000004 Phase III Industrial Uses as presented in Attachment A.

ATTACHMENTS:

- A – [Proposed Ordinance Amendment](#)
- B – [Proposed Ordinance Amendment – Compare](#)
- C – [Current Ordinance vs. Proposed Ordinance Summary Table](#)
- D – [Use Approval Comparison Flowcharts](#)
- E – [December 11, 2012 Planning Commission staff report and attachments](#)
 - 1 – [PC Work Session Executive summary](#)
 - 2 – [Resolution of Intent](#)
 - 3 – [Proposed Summary Table](#)
 - 4 – [Draft Ordinance](#)
- F – [December 11, 2012 Planning Commission minutes](#)

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