

## Overview

King George County is updating, modernizing, and restructuring the zoning and subdivision ordinances into one seamless regulatory document. The revised zoning and subdivision ordinance will:

- 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.

This process will be guided by County staff, the Planning Commission, and the Board of Supervisors with opportunities for input from stakeholders and citizens.

## Agenda

The January 25<sup>th</sup> meeting will focus on reviewing the proposed articles:

- Article I, In General
- Article II, Administration
- Article III, Permits and Applications
- Article IX, Nonconformities

The following agenda is provided as an outline for discussion:

1. **Schedule & Progress to Date** – 5 minutes
2. **Proposed Article Review** – 50+ minutes
  - a. Article I – 5 minutes
  - b. Article II – 15 minutes
  - c. Article III – 20 minutes
  - d. Article IX – 10 minutes
3. **Next Steps** – 5 minutes

## Schedule & Progress to Date

*See Attachment A* for the project schedule. Progress to date includes:

- **Staff Kickoff** – Held on July 14, 2021. The Berkley Group conducted a kickoff meeting with King George County staff to review the scope of work and deliverable items.
- **Joint BOS and PC Kickoff** – Held on September 15, 2021. During this meeting, the Berkley Group gave a presentation on the scope of work, schedule, and Zoning and Subdivision Ordinance diagnostic report.
- **Public Engagement** – Public engagement offered opportunities to collect community feedback on priorities for the ordinance update. An online public survey was conducted from October 1-31;

public workshops were held on October 20 and October 26; and stakeholder interviews were conducted on October 26.

- **Planning Commission Worksession #1** – Held on November 30, 2021. The focus of this meeting was to discuss the overall public engagement summary and key findings, and to review the proposed structure of the revised ordinance.

## Proposed Article Review

*See Attachments B, C, D, and E* for the proposed articles for review. During review, consider the editor’s footnotes to aid in review. The provided footnotes explain inclusions, omissions, modifications, etc.

### Attachment B: Article I – In General

This article contains divisions pertaining to the general purpose, applicability, and interpretation of the Ordinance. Additional divisions include language that requires conformity with the Ordinance, effective date, and previously approved applications and vested rights. This article is largely built upon requirements of the Code of Virginia; references to the applicable Code sections are included.

### Attachment C: Article 2 – Administration

This article covers the administration of the Ordinance. The powers and duties of the Zoning Administrator, Subdivision Agent, Board of Zoning Appeals, and Planning Commission are discussed. References to the pertinent sections of the Code of Virginia are included throughout the article, for informational purposes and to streamline the article text.

Enforcement and penalties are addressed in this article. As authorized by the Code of Virginia, the penalties for violations utilize both criminal and civil penalty options. The existing Ordinance only provides for civil penalties and includes fines that are lower than the threshold provided in the Code of Virginia. As such, the penalty amounts have been updated to reflect the maximum permitted.

Fees are addressed in this article by reference to a separate fee schedule. The requirement to pay all applicable taxes and charges is also included in the article, as allowed by the Code of Virginia.

### Attachment D: Article 3 – Permits and Applications

This article outlines the following application requirements and processes:

- Zoning Text and Map Amendments
- Conditional Zoning and Proffers
- Special Exception Permits
- Variances
- Site Plans
- Zoning Permits
- Written Determinations
- Appeals
- Public Notice

This section outlines processes and procedures for development approvals. Much of the content is based on requirements and timeframes set out in the Code of Virginia. Important policy changes/considerations of note include:

- **Concept Plans** – The draft ordinance proposes utilizing a Concept Plan process as part of the Map Amendment and Special Exception process. This process allows developers to proceed with discretionary review and public hearings without undertaking a fully engineered Site Plan. The Concept Plan replaces the current Preliminary Site Plan process.
- **Special Exception approval process** – We recommend instituting a consistent public hearing process that includes a public hearing and recommendation from Planning Commission followed by a public hearing and action by the Board of Supervisors. This change has been incorporated but is proposed as a topic for discussion.
- **Site Plans** –
  - Site Plan Types – The draft ordinance eliminates the sections on preliminary site plan, as this seemed tied to the rezoning and Special Exception process. If desired, this process can be included as a required or optional element to allow the locality to review the proposed development for compliance with the applicable regulations before the developer has all necessary engineering work performed. Some localities also utilize major/minor site plan categories with different requirements based on the extent of work to be performed.
  - Administrative Review – The draft ordinance proposes maintaining administrative approval for Site Plans. Not only is this a best practice, but public engagement provided that this recent change has increased efficiency.
  - Timeframe for Approval – The draft ordinance includes a timeframe for approval for Site Plans, to align with the Code of Virginia requirements. Timeframes ensure timely approval; Code of Virginia provides that if a developer has complied with all existing ordinances, the function of approving a Site Plan becomes ministerial, and the plan must be approved.
  - Exemptions – “Single family residential subdivisions” are currently exempt from Site Plan approval. This has been removed from the draft ordinance but is proposed as a topic for discussion.

**Note:** See provided *Development Review Guide, Site Plan and Concept Plan* for a general overview on these types of plans.

#### Attachment E: Article IX – Nonconforming Uses, Lots, and Structures

This article is dictated by the Code of Virginia and addresses those instances where an existing lot, use, or structure does not meet the standards outlined in the Ordinance. Much of this article’s content is unchanged from the existing Ordinance. The largest change to note is that of Section 9-2-4. This section consists of new text that provides for the repair and maintenance of nonconforming structures with an

allowance for 40 percent of the replacement value of the structure. Localities allow anywhere from 20 percent, up to full internal replacement. The proposed text allows improvement, while also encouraging structures to become conforming – rather than completely remodeled. This percentage can be adjusted, if desired.

Other new text includes Code of Virginia requirements, such as damage from fire, natural disaster, or another act of God, as well as Code of Virginia requirements related to replacement of mobile homes.

**Note:** See provided *Guide to Nonconformities* for general information on nonconformities.

### **Next Steps**

The Berkley Group will review any recommendations and comments for incorporation and continue drafting ordinance articles. Topics to be discussed at the next meeting include:

- Zoning District Standards
- Overlay and Special Districts
- Related Definitions