

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 has been guided by County staff, the Planning Commission, and the Board of Supervisors, with opportunities for input from stakeholders and citizens.

Agenda

The November 29th meeting will focus on reviewing the proposed article:

- Article X, Subdivision

The following agenda is provided as an outline for discussion:

1. **Schedule & Progress to Date** – 5 minutes
2. **Proposed Article Review** – 60+ minutes
3. **Next Steps** – 5 minutes

Note: While not part of review for this worksession, an article is also provided that contains revised Stormwater Management and Wetlands regulations. These regulations are provided in Articles 13 and 15, respectively, of the existing Ordinance. These regulations have been minorly updated for readability, reorganization, and updated references to Code of Virginia.

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.
- **Planning Commission Worksession #2** – Held on January 25, 2022. The focus of this meeting was to review and discuss drafts of Article I, In General, Article II, Administration, Article III, Permits and Applications, and Article IX, Nonconformities. Edits and revisions were discussed and sent back for additional PC review on March 1, 2022.
- **Planning Commission Worksession #3** – Held on March 29, 2022. The focus of this meeting was to review and discuss drafts of Article IV, Primary Zoning Districts and Article V, Overlay Zoning Districts (sans Military Overlay). Edits and revisions were discussed and sent back for additional PC review on May 2, 2022.
- **Planning Commission Worksession #4** – Held on May 31, 2022. The focus of this meeting was to review and discuss drafts of Article VI, Use Matrix and Article V, Division 5, Military Compatibility Overlay District. Edits and revisions were discussed and sent back for additional PC review on July 5, 2022.
- **Planning Commission Worksession #5** – Held on July 26, 2022. The focus of this meeting was to review and discuss drafts of Article VII, Use Performance Standards. A comment tracker was created and includes all comments from Planning Commission and staff, along with Berkley Group responses and recommended changes. The comment tracker was provided to staff on September 2, 2022 and is currently under review by staff.
- **Planning Commission Worksession #6** – Held on September 27, 2022. The focus of this meeting was to review and discuss drafts of Article VIII, Community Design Standards. A comment tracker was created and includes all comments from Planning Commission and staff, along with Berkley Group responses and recommended changes. The comment tracker was provided to staff on November 8, 2022, and Berkley Group is currently incorporating staff revisions.

Proposed Article Review

See Attachment B for the proposed article for review. During review, consider the editor's footnotes. The provided footnotes explain inclusions, omissions, modifications, etc.

See Attachment C for pertinent definitions to Article X.

Note: Graphic(s) for this Article are still in development and will be reviewed as part of the full Draft Ordinance review worksession.

Attachment B: Article X, Subdivision

Streamlining the Zoning and Subdivision Ordinances into one seamless document is a major element of this project; as such, Article X, Subdivision, replaces the existing Subdivision Ordinance. The Code of Virginia requires every locality to ensure the orderly division of land, and dictates many subdivision requirements including, but not limited to, allowance of family subdivisions; when bonds can be required;

requirements for the partial and final release of bonds; when preliminary plats can be required; and the length of validity of approved plats.

Article X provisions have been revised to include or update Code of Virginia requirements and references, as appropriate, as well as continued streamlining and reorganization of existing content. All changes are not provided below, rather a high-level review is provided. See the editor's footnotes for additional detail.

Types of Subdivision (Division 2)

The proposed Ordinance specifies four types of subdivisions: Major, Minor, Single Lot, and Family. The changes to note include:

- Major Subdivisions:
 - 10 or more lots (increase from 6 or more lots)
- Minor Subdivisions:
 - 3 to 9 lots (change from 5 or less lots).

Discussion: If fewer private roads are a priority for the County, and this change in Major and Minor subdivisions is undesirable, potential alternatives include: 1) retain current threshold; or 2) keep the proposed increase and require that all Major Subdivisions and some Minor Subdivisions have public streets (example: Minor Subdivisions of 5 or more lots).

- Family Subdivisions:
 - Added provision that property to be subdivided as a Family Subdivision be owned by the current owner or member of the immediate family for at least 5 consecutive years prior to subdividing. This optional provision is permitted by the Code of Virginia § 15.2-2244.1; many localities choose to include this to have further time-constraints for Family Subdivisions. The Code of Virginia allows the time-constraint to go up to 15 years. King George can adjust the proposed time-constraint as desired.
 - Increased provision that the grantee of a Family Subdivision agrees to place a restrictive covenant on the property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years (currently 5 years).

Access Standards

Access for Minor Subdivisions:

- Revised to require a maximum of 2 access points for all Minor Subdivisions.

Street Standards

Public Streets (VDOT)

- Required for all Major Subdivisions.
- Dedicated to and accepted by the Virginia Department of Transportation (VDOT).

Private Streets

- Permitted for Minor Subdivisions, Family Subdivisions.
- Requirement that developer upgrade private streets to public (VDOT) streets, *if* any subdivision results in a cumulative 10 or more lots using said private street.

Administratively Approved Final Plats

The existing Subdivision Ordinance allows for “exempt” subdivisions. The term “exempt” can be misleading and typically refers to items that are absolutely exempt from provisions, while the existing Ordinance’s text implies that “exempt” means exempt from Planning Commission and Board of Supervisors review. As such, these provisions have been revised in the draft as “administratively approved” plats. Staff will administratively approve:

- Minor, Single Lot, and Family Subdivisions
- Boundary Line Adjustments

Planning Commission/Board of Supervisors Approved Plats

Planning Commission and Board of Supervisors will review, recommend, and approve:

- Preliminary Plats (subdivisions of 50 or more lots)
- Final Plats for Major Subdivisions

Construction Plans

- Revised to require after, or in conjunction with, approval of Final Plat; currently submitted prior to approved Final Plat(s).

Next Steps

The Berkley Group will review any recommendations and comments for incorporation. As all Articles have been drafted, the Berkley Group will now begin compiling all drafted Articles for a comprehensive review. The final worksession will be held on January 24, 2023.