

# MINUTES

## Zoning Ordinance Text Amendment Committee

Wednesday, April 16, 2025, at 3:00 p.m.



### Call to Order

Mr. Smolnik, County Administrator, called the meeting to order at 3:02 PM in the Board Room of the Sheriff's Office building.

### Roll Call

#### Committee Members

Lisa Biever  
Chris Deloach  
Glenn Cramer  
Ed Frank  
Julie Gibson  
Shawn Palivoda  
Allen West

#### Administration Staff

Matthew J. Smolnik, County Administrator  
Jaclyn Fish, Director of Administrative Services  
Kelli Le Duc, Director of Community Development  
Lucie Tuthill, Planner  
Kenneth Vaughan, Zoning Administrator

### Recap of Previous Meeting

Ms. Le Duc presented a summary of recommendations from the previous ZOTAC meetings. Ms. Le Duc also provided additional research on cluster provisions, confirming alignment with subdivision regulations.

### Committee Feedback

- Ms. Biever is still in favor of a PDR program and would like to review the lot size recommendations.
- ZOTAC reviewed the proposed areas: A1 (50 acres), A2 (20 acres), and A3 (10 acres). There was a discussion regarding the absence of any A3 parcels available in King George County. While all members shared their preferences, the consensus was to maintain the county's rural character and to close any potential loopholes.
- ZOTAC reviewed and discussed **DIVISION 2. - TYPES OF SUBDIVISIONS**
  - **Section 10-2-1. - Major Subdivisions.**
    - (A) Major Subdivisions are subdivisions of any parent tract into six or more lots, and therefore will have a greater impact on the environment, highways, and surrounding communities than will smaller subdivisions. (1) Parcels in excess of 40 acres or more

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will not count toward a Major Subdivision but will be counted for street construction and platting requirements as provided in Division 3 and Divisions 5, Division 6, and Division 7, respectively.

- **Section 10-2-2. – Minor Subdivisions.**
  - Minor Subdivisions are subdivisions of any parent tract into 3 to 5 lots and have a reduced impact on the environment, highways, and surrounding communities than larger subdivisions.
- **Section 10-2-3. – Single Lot Subdivisions.**
  - Single Lot Subdivisions are subdivisions that include one division of a single parent parcel of land, creating one new lot and a remainder or residual lot.
- **Section 10-2-4. – Family Subdivisions**
- Ms. Le Duc reviewed § 15.2-2286.1. **Provisions for clustering of single-family dwellings so as to preserve open space.** A. The provisions of this section shall apply to any county or city that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. However, the requirements of this section shall not apply to any such county or city that has a population density of more than 2,000 people per square mile, according to the most recent report of the United States Bureau of the Census. B. Any such locality shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space, and compliance with its comprehensive plan and land use ordinances. A cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster development. The locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development, provided the cluster development is located within an area designated for water and sewer service by a county, city, town, or public service authority. For any "open space" or "conservation areas" established in a cluster development, the locality shall not (i) require in such areas identification of slopes, species of woodlands or vegetation and whether any of such species are diseased, the locations of species listed as endangered, threatened, or of special concern,

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or riparian zones or require the applicant to provide a property resource map showing such matters in any conservation areas, other than that which may be required to comply with an ordinance adopted pursuant to § 15.2-961 or 15.2-961.1 or applicable state law; (ii) require such areas be excluded from the calculation of density in a cluster development or exclude land in such areas because of prior land-disturbing activities; (iii) prohibit roads from being located in such areas for purposes of access to the cluster development, but the locality may require such roads be designed to mitigate the impact on such areas; (iv) prohibit stormwater management areas from being located in such areas; or (v) require that lots in the cluster development directly abut such areas or a developed pathway providing direct access to such areas. For purposes of this section, "open space" or "conservation areas" shall mean the same as "open-space land" in § 10.1-1700. The density calculation of the cluster development shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. As a locality provides for the clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different residential zoning classification within the locality. For purposes of this section, "unimproved land" shall not include land owned or controlled by the locality, the Commonwealth or the federal government, or any instrumentality thereof or land subject to a conservation easement. If proposals for the clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions, and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (a) developments of two acres or less and (b) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision. C. Additionally, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff in the same manner provided in subsection A, or (ii) approve the increased density development upon approval of a special exception, special use

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permit, conditional use permit, or rezoning. D. Notwithstanding any of the requirements of this section to the contrary, any local government land use ordinance in effect as of June 1, 2004, that provides for the clustering of single-family dwellings and preservation of open space development by right in at least one residential zoning classification without requiring either a special exception, special use permit, conditional use permit, or other discretionary approval may remain in effect at the option of the locality and will be deemed to be in compliance with this section. Any other locality may adopt provisions for the clustering of single-family dwellings, following the procedures set out in this section, in its discretion.

- ZOTAC also reviewed and discussed DIVISION 9. - CLUSTER PROVISIONS.

Zoning District <sup>1</sup>		Standard							
		Maximum Density	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Setbacks (feet)			Minimum Cluster Development Setback (feet)	
					Front	Side	Rear	Any Public Road(s)	All Other Property Lines
A-3	1 du/gross acre	20,000	100	30	10	30			
<b>R-1 and R-2</b>									
With Public Water and Sewer	Single Family Dwelling	2.9 du/gross acre	8,000	60	15	8	20	If abutting an A-2 or A-3 district, as above.	
	Duplex		4,000	50	10	5	20		
With Public Water or Sewer	Single Family Dwelling	1.7 du/gross acre	12,000	60	15	8	20		
	Duplex		8,000	50	15	5	20		

Zoning District <sup>1</sup>		Standard									
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					Front	Side	Rear	Any Public Road(s)	All Other Property Lines		
With Public Water or Sewer	Single Family Dwelling	1.7 du/gross acre	12,000	60	15	8	20	If abutting an A-2 or A-3 district, as above.			
	Duplex		8,000	50	15	5	20				
<b>R-3</b>											
Public Water and Sewer Required	Single Family Dwelling	2.9 du/gross acre	6,500	60	15	6	20				
	Duplex		4,000	50	15	5	20				
	Town-house	8 du/gross acre	1,200	18	10	10 (end unit)	20				

- ZOTAC discussed the capacity at the high school and middle school, respectively. As well as Sealston, Potomac, and King George Elementary.

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- Mr. Smolnik clarified that, according to the County Attorney, grandfathering is defined by land disturbance. He cited an example of a 2023 ordinance where this definition was applied.
  - Mr. West expressed concern that the provision was vague and implemented too late.
  - Mr. Palivoda recommended that the committee draft precise language for what should be grandfathered.
- Mr. Smolnik also cautioned that when deadlines are added for grandfather clauses, developers may submit incomplete plans. He emphasized that the effective date is the date the ordinance is adopted, which provides clarity for both long- and short-term planning.
- **Action:** Mr. West will draft proposed grandfathering language for a future meeting.

## Zoning Ordinance Review

Ms. Le Duc reviewed the following zoning code sections:

- **Section 4-1-1 – General Zoning Districts:**  
Outlined the purpose and establishment of zoning districts, including the division into Agricultural, Residential, Commercial, Industrial, and Planned Development Districts.
- **Section 4-1-3 – Purpose of Agricultural Districts:**  
Emphasized preserving the rural character of A-1 (Agricultural Preservation) by supporting farming and discouraging suburban development not aligned with the Comprehensive Plan. Urban services such as water and sewer are not planned for these areas.

## Working Draft Review

The committee reviewed the working draft summary of ZOTAC recommendations.

## Adjournment

Mr. Smolnik adjourned the meeting at 4:26 PM. The next meeting is scheduled for Wednesday, April 23, 2025, at 3:00 PM in the Board Room of the Revercomb Building. The meeting is open to the public.