KING GEORGE
VIRGINIA

RESOLUTION

King George County Board of Supervisors Resolution Initiating a Text Amendment to Division 4 – Agricultural Districts Dimensional Standards

Whereas, Virginia Code § 15.2-2286 authorizes the Board of Supervisors of King George County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning and Subdivision Ordinance that the Board finds to be prudent; and

Whereas, amendments to the Zoning and Subdivision Ordinance may be prudent to establish regulations for dimensional standards in order to be consistent with the County's future growth goals; and

Whereas, the Board is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning and Subdivision Ordinance.

Whereas, the Board of Supervisors amended the proposed November 04, 2024, Resolution to include the following text in the amendments of Division 4 of the King George County Code: Proposed A-1 shall be 50 acres, Proposed A-2 shall be 20 acres, Proposed A-3 shall be 10 acres, and for staff to exclude family subdivision from the acreage changes.

Now, Therefore, Be It Resolved that the Board of Supervisors of King George County, Virginia does hereby initiate text amendments of Division 4 of the King George County Code in order to establish dimensional standards in the Agricultural districts and directs staff to prepare such amendments for consideration by the Planning Commission and the Board of Supervisors. The Planning Commission shall/will hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

Approved this 4th day of November 2024.

_____

Chair

KING GEORGE VIRGINIA

VOTE 5-0 (AS AMENDED)

CATHY BINDER	____ AYE	____ NAY	____ ABSTAIN	____ ABSENT
TERENCE "T.C." COLLINS	____ AYE	____ NAY	____ ABSTAIN	____ ABSENT
WILLIAM DAVIS	____ AYE	____ NAY	____ ABSTAIN	____ ABSENT
KENNETH STROUD	____ AYE	____ NAY	____ ABSTAIN	____ ABSENT
DAVID SULLINS	____ AYE	____ NAY	____ ABSTAIN	____ ABSENT

ATTESTED BY:

_____

Jaclyn Fish
Clerk of Board of Supervisors

DIVISION 4. AGRICULTURAL DISTRICTS DIMENSIONAL STANDARDS

Section 4-4-1. Agricultural District Regulations.

Table IV-2. Agriculture District Regulations

	A-1	A-2	A-3
Minimum Lot Area:[1,3]			
All lots	~~10 acres~~ 50 acres	~~2 acres~~ 20 acres	~~1 acre~~ 10 acres
Minimum Lot Width:			
All lots	~~300 ft.~~ 500 feet	~~150 ft.~~ 350 feet	~~120 ft.~~ 300 feet
Minimum Required Setbacks:			
Front (Includes all structures)			
Rights-of-way less than 50 ft. in width	45 ft.	45 ft.	45 ft.
Rights-of-way 50 ft. or more in width	35 ft.	35 ft.	35 ft.
Side			
Principal structures	15 ft.	15 ft.	15 ft.
Farm animal structures	75 ft.	75 ft.	75 ft.
Accessory structures	3 ft.	3 ft.	3 ft.
Rear			
Principal structures	30 ft.	30 ft.	30 ft.
Farm animal structures	75 ft.	75 ft.	75 ft.
Accessory structures	3 ft.	3 ft.	3 ft.
Maximum Structure Height:			
Principal structures	35 ft.	35 ft.	35 ft.
Non-residential structures[2]	35 ft.	35 ft.	35 ft.
Accessory structures	No taller than principal structure	No taller than principal structure	No taller than principal structure

Notes:

[1] For agricultural uses such as the keeping of animals: see Article VI, Use Matrix for permitted uses and Article VII, Use Performance Standards, for additional standards.

[2] Non-residential buildings may be erected to a height of 50 ft.; provided that required front, side, and rear setback minimum standards shall be increased 1 foot for each foot in height over 35 ft.

[3] **For family subdivision acreage requirements: see Section 10-2-4 (C) (4)**

Section 10-2-4. Family Subdivisions.

Family Subdivisions are subdivisions of land for simultaneous conveyance to a member of the immediate family, or beneficiaries of a trust, of the property owner.

(A) *Purpose.* The purpose of Family Subdivisions is to:

(1) Encourage and promote the ability of family members to live near one another as housing needs change;

(2) Provide opportunities for mutual support and care of family members; and

(3) Allow for the preservation of family land holdings which might otherwise be fragmented for economic reasons.

(B) *Applicability.*

(1) For the purposes of this Article, a "member of the immediate family" is defined as any person who is the natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner, who is 18 years or older.

(2) If the property to be subdivided is owned in joint tenancy, the necessary relationship to the grantee may exist with any one or more of the joint tenants.

(3) Family Subdivisions may also be for immediate family of beneficiaries of a trust, of land held in trust. In addition to the requirements of (C), below, for Family Subdivisions of land held in trusts, all trust beneficiaries must:

(i) Be immediate family members as defined in (B) (1), above;

(ii) Agree that the property should be subdivided, and

(iii) Agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years.

(C) *Standards.* Per the Code of Virginia, § 15.2-2244, 2244.1, and 2244.2, as amended, all Family Subdivisions shall be subject to the following provisions and conditions in lieu of the other subdivision regulations imposed by this Article.

(1) Only one such division shall be allowed within King George County for each immediate family member.

(2) The property to be subdivided has been owned for at least 5 consecutive years by the current owner or member of the immediate family.

(3) The grantee agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. All lots or parcels, including the parent tract, created under this Article shall remain titled in the name(s) of the grantor for the 15-year period, from the date of recordation of the deed of conveyance, unless:

(i) The parcel to be transferred out of the immediate family is the subject of an involuntary transfer such as foreclosure, divorce, death, judicial sale, condemnation, or bankruptcy, in which case, upon application to the Agent, any remaining required holding period shall be waived;

(ii) The owner(s) of the parent tract dies in which case, upon application to the Agent, any remaining holding period shall be waived for the parent tract;

(iii) The transferred property is later transferred to a subsequent grantee who qualifies as an immediate family member of the original grantor as set forth in this Article, in which case only the remainder of the initial required holding period shall apply to the subsequent grantee; or

(iv) An exception to these provisions is made by the Planning Commission, upon a determination of an injustice or hardship as permitted under the provisions of this Article.

(4) The minimum width, yard, and area requirements of all lots or parcels, including the remaining property from which the lot or parcel is subdivided, shall be in accordance with the applicable provisions of this Ordinance, ***except for the following.***

(i) The minimum lot area for Property zoned A-1 will be 10 acres and will have a minimum lot width of 300 feet.

(ii) The minimum lot area for Property zoned A-2 will be 2 acres and will have a minimum lot width of 150 feet.

(iii) The minimum lot area for Property zoned A-3 will be 1 acre and will have a minimum lot width of 120 feet.

(5) Each lot or parcel shall front on a public street or upon a private driveway or street that is in a permanent easement.

(i) Lots shall have a minimum right-of-way of 20 ft.

(ii) Where the parcel being subdivided fronts on an existing right-of-way less than 20 ft. in width, a 20-foot right-of-way shall only be required on the parcel to be subdivided and transferred.

(iii) Prior to the use of any such lot or parcel for residential purposes, the required right-of-way shall include an improved driveway within it consisting of, at a minimum, an all-weather surface or rock, stone, or gravel, with a minimum depth of 3 inches and a minimum width of 10 ft. The right-of-way shall be maintained by those having a right to always use it in a condition passable by emergency vehicles. A notation to this effect shall be placed on the face of the Final Plat and this provision shall be included in the deed(s) by which the subdivision is affected. "Passable condition" refers to not only the surface, but also to horizontal and vertical clearances.

(iv) All provisions of the King George County Code governing erosion and sediment control and the dedication of drainage and utility easements shall apply to Family Subdivisions fully and completely.

(6) Property not served by a community water and sewer system shall have its water source and sewage disposal facilities approved by the Virginia Department of Health and be in accordance with all applicable King George County Service Authority Regulations and all applicable requirements of Article VII, Article VIII, and Article X of this Ordinance.

(D) *Final Plat.* In addition to the requirements of Division 7 of this Article, Family Subdivisions shall comply with the following:

(1) Along with the Final Plat, an affidavit, under oath, shall be submitted in the form prescribed by the Agent, describing the purposes of the subdivision, and identifying the member of the immediate family receiving the lot created.

(2) The proposed deed of conveyance shall be submitted to the Agent and once approved for compliance with this Article, recorded along with the approved Final Plat.

(3) Both the deed and the Final Plat shall contain the following statement set forth so as to be seen readily:

(i) "This lot is created as a Family Subdivision for an immediate family member, pursuant to the provisions of the King George County Zoning and Subdivision Ordinance. The use and transfer of this property is restricted by the terms of that Ordinance. The property to be subdivided has been owned for at least 5 consecutive years by the current owner or member of the immediate

family and the grantee agrees to place a restrictive covenant on the subdivided property that prohibits the transfer of the property to a nonmember of the immediate family for a period of 15 years."

(E) *Circumvention.*

(1) No Family Subdivision shall be made for the purpose of circumventing the requirements of this Article.

(2) The Agent shall reject any proposed Family Subdivision if, after investigation of the facts and circumstances involved in the proposed subdivision, the Agent believes that the proposed subdivision is for the purpose of circumventing the requirements of this Article and is not in accordance with the purpose and intent of this Ordinance.

(i) The burden of proving compliance with the purpose, intent, and conditions of this Article shall be on the property owner.

(ii) Nothing in this Article shall be deemed to exempt Family Subdivisions from the requirements of other provisions of the King George County Code which are deemed to be applicable by the Agent.

(3) In the event that the Board of Supervisors determines a circumvention to have occurred, the Family Subdivision approval shall be considered void, and the County may take appropriate action to require compliance with all other applicable requirements of this Ordinance or may initiate action to vacate said lot.

Section 10-3-6. Access.

(A) *General.* The following shall apply to all Major and Minor Subdivisions:

(1) When feasible, the design of a subdivision shall be made to interconnect streets within the subdivision to promote grid pattern development, avoid dead end streets, and to arrange streets to provide access to adjoining parcels to promote orderly development of the County.

(2) Adequate easements shall be provided for the development of future streets and such easements shall include restrictions that assure the adequacy of the easement, including building setback lines, to ensure the future viability of the easement.

(3) Streets between adjoining properties shall be required to interconnect where the ability to interconnect streets has been created through right-of-way construction and dedication.

(4) If there are corner lots created in the subdivision of property that meet the street frontage requirements on existing public streets, then such lots are required to access the interior subdivision street and they shall not access the existing public street.

(5) If any proposed subdivision results in a total of 6 or more lots, whether existing or proposed, that are accessed by an existing private street then the street shall be improved to meet the VDOT standards for streets within the State Highway System in conjunction with the development of the subdivision.

(B) *Major Subdivision.* Major Subdivisions shall have direct access to an existing primary or secondary street and shall provide access connections to adjoining lots or parcels and subdivisions. The ~~minimum~~ requirements for access points and access connections are as shown in Table X-1, Major Subdivision Access Points and Connections.

(1) Direct access may be provided by way of an existing primary or secondary street, or by one that will be improved to meet the VDOT standards for streets within the State Highway System in conjunction with the development of the subdivision.

Table X-1. Major Subdivision Access Points and Connections

Access Points to Primary or Secondary Street		
# of Lots	*~~Minimum~~ Maximum # of Access Points*[1]	*Additional Access Points That May be Required by the Planning Commission*[1]
6 to 35	1	1
36 to 50	2	2
51 to 100	2	Determined upon Planning Commission review of Preliminary Plat
101+	3	
Access Connections to Adjoining Lots, Parcels, and Subdivisions		
# of Lots	*Minimum # of Access Connections*[1]	*Additional Access Connections That May be Required by the Planning Commission*[1]
6 to 35	~~0~~ 1	1
36 to 50	1	3
51 to 100	2	Determined upon Planning Commission review of Preliminary Plat
100+	3	

[1] At the request of the applicant, the Planning Commission may reduce the required number of access points and/or connections.

(C) *Minor or Single-Lot Subdivision.* If a subdivision is being developed in such a manner that results in 5 lots or less, private streets are allowed, provided that all private streets are constructed in accordance with Section 10-3-8, below. Said private streets shall extend from such lots or parcels to a public street. The maximum number of entrances from a Minor Subdivision to an existing primary or secondary street shall be as provided in Table X-2, Minor Subdivision Access Points.

Table X-2. Minor Subdivision Access Points

# of Lots	Maximum # of Access Points
3 to 5	2

(1) All Minor Subdivisions containing more than 3 lots which are accessed by a private street or right-of-way that connects directly to an existing public street shall:

(i) Submit their entrance location and design to the VDOT for review prior to Preliminary or Final Plat approval.

(ii) No such Preliminary or Final Plat shall be approved unless the entrance has an existing approved commercial entrance permit or meets the VDOT's current minimum standards.

(iii) If VDOT disapproves an entrance, the person submitting the Preliminary or Final Plat shall be provided an opportunity to amend the Preliminary or Final Plat to provide an alternative entrance.

(iv) If an approved entrance cannot be obtained, then the Preliminary or Final Plat shall be disapproved.