MINUTES

Zoning Ordinance Text Amendment Committee

Wednesday, April 23, 2025, at 3:00 p.m.

Call to Order

Mr. Smolnik, County Administrator, called the meeting to order at 3:00 PM in the Board Room of the Revercomb building.

- It was noted that there were A/V complications, specifically with the dais microphones.

Roll Call

Committee Members	Lisa Biever Chris Deloach Glenn Cramer Ed Frank (not present) 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 Vaughn, Zoning Administrator

Recap of last week

Ms. Le Duc stated that a list of recommendations (as seen on Page 3) was compiled from the April 16, 2025, ZOTAC Meeting. Ms. Le Duc conducted further research on cluster provision requirements, which align with the rest of the ordinance regarding major and minor subdivisions.

Feedback from Committee Members

- Mr. West's comment referenced the third bullet point: “ZOTAC members support removing the ability for a Major Subdivision in all Agricultural Zoning districts and allowing them only in the Residential zoning districts. This will require developers to apply for a Rezoning from the County.” Mr. West's comment was to add an exception for subdivisions of less than 20 lots to allow some development without rezoning. Also, a grandfathering period of one year from the time the changes are made for a complete application to be accepted.
  - Mr. Smolnik stated that what defines grandfathering, according to the county attorney, is land disturbance. In December of 2023, KGCBOS adopted a new ordinance. Then, in January 2024, one of the projects had to start over; they had to adhere to it.
    - Mr. West stated the provision was vague and was done late in the game. The entire draft was as long as you submitted your plans

- Mr. Smolnik stated the board will turn to the County Attorney to determine what defines grandfathered.
- Mr. Palivoda stated he would like the committee to put out what we want grandfathered to be and what the committee wants it to state precisely.
- Mr. Smolnik stated that in March, the Board of Zoning Appeals upheld the decision that it is not the County's provision to determine whether or not something has vested rights under state code. The responsibilities of the zoning official are clearly defined in the zoning ordinance. This was by a vote of 4-2.
- (ACTION)Mr. West stated he would put the grandfathered wording for the next meeting.
- Mr. Smolnik stated that when a grandfather clause is added, as seen in other localities, developers will turn in incomplete plans if a date is issued to meet the deadline. Mr. Smolnik noted that no matter what, the date is effective when it is passed, and then short—and long-term goals can be assessed.
- Ms. Le Duc reviewed Section 4-1-1 of the KGC Code.
  - ARTICLE IV. - PRIMARY ZONING DISTRICTS - DIVISION 1. - ESTABLISHMENT AND PURPOSE - Section 4-1-1. - General. (A)Zoning Districts Established. Land within the County, as it exists at the time of this Ordinance being enacted, is hereby divided into classes of primary zoning districts to:(1)Regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the objectives of the comprehensive plan;(2)Regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered; and(3)Ensure adequate setbacks, open spaces, and public facilities to support the County's population.(B)Primary Zoning Districts. To carry out the purpose stated in Article I, In General, of this Ordinance and (A) above, King George County is hereby divided into the following primary zoning districts: **Table IV-1. Primary Zoning Districts: Agricultural Districts:** A-1 Agriculture Preservation, A-2 Rural Agriculture, and A-3 General Agriculture. **Residential Districts:** R-1 Single-Family Dwelling, R-2 General Dwelling, and R-3 Multi-Family Dwelling. **Commercial Districts:** C-1 Neighborhood Commercial and C-2 General Commercial. **Industrial Districts:** I-1 Industrial Light, I Industrial: **Planned Development Districts:** R-C Resort Community, and M-U Mixed-Use.
- Ms. Le Duc reviewed: **Section 4-1-3. - Purpose and Intent of Primary Zoning Districts.**
  - (A)*Agriculture.* (1) *A-1, Agriculture Preservation.* The intent of this district is to preserve the agricultural character of the County by maintaining wide expanses of farming and forestry; and to permit the continued agricultural use and growth of agricultural related uses while discouraging urban and suburban developments of all types, except in conformity with the

land use policies of the Comprehensive Plan. Residential uses shall consist of sparse single-family dwellings, primarily located to serve farm owners and their families. This is a rural area where urban services such as sewer and water mains are not planned.

The ZOTAC Committee reviewed the working draft summary of ZOTAC Recommendations:

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- **If none of the above are implemented, ZOTAC members propose amending the access requirements language below (this will prevent all lots in major subdivisions from having the ability to access off existing primary or secondary streets):**

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.

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WORKING DRAFT
SUMMARY OF ZOTAC RECOMMENDATIONS
TO THE BOARD OF SUPERVISORS

- Regarding the original proposed lot size amendments to the A-1 (from 10 acres to 50 acres), A-2 (from 2 to 20 acres), and A-3 (from 1 to 10 acres) Zoning district designations, none of the ZOTAC members support the increases as presented. One member opines that there may be a compromise between the sizes that were originally proposed and the sizes allowed by the current ordinance, but the other 6 propose leaving them as is.
- ZOTAC members support a full Comprehensive Plan update, especially Water and Sewer service area updates and the creation of a Future Land Use Map.
- ZOTAC members support the removal of the ability for a Major Subdivision in all Agricultural Zoning districts and allowing them only in the Residential zoning districts. This will require developers to apply for a Rezoning from the County.
- ZOTAC members support requiring all lots in Major Subdivisions to access from internal roads built to VDOT standards (this was a requirement of the previous Ordinance).
- ZOTAC members support researching a Purchase of Development Rights program/Ordinance and funding mechanisms through the Capital Improvement Program via future proffers that may be collected by the County.
- ZOTAC members support researching the possibility of the County performing an Adequate Public Facilities study that may be used to determine the feasibility of development that may be proposed. This would essentially restrict the issuance of building permits without first confirming that adequate public facilities are in place (school availability, public safety personnel, water and sewer, etc.) to handle the proposed development.
- ZOTAC members support leaving the Family Subdivision requirements as is.

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.

- After the discussion, the committee unanimously agreed to have the Planning Commission review the minimum number of lots for a major subdivision, during the comprehensive plan review, and add, e.g., water and sewer service area updates and major subdivision definitions.

Mr. Palivoda wanted Mr. Gary Butler, a Fredericksburg Real Estate Agent, to comment publicly. Mr. Butler was in public attendance.

- Mr. Palivoda inquired, "Did you get a chance to reach out to the constituents regarding the past two ZOTAC meetings and if they had any input or thoughts?"
  - Mr. Butler stated he had not spoken directly with anybody because no one knew the bullet points were coming out. After the bullet points came out, Mr. Butler noted that it would be the appropriate time for the discussion.
- Mr. Palivoda inquired about Mr. Butler's viewpoint on the bullet points (as discussed).
  - Mr. Butler stated they reflected on the discussion at the April 16th meeting, and he was encouraged by the vote on density at the April 16th meeting. That has been my biggest bugaboo since day one. It is encouraging in the process that it will go to the planning commission, then to a public hearing, and assuming the Board of Supervisors still plans to do the process this way.
  - Mr. Butler stated that the planning commission recommendations could be completely different than those of the ZOTAC recommendations. Then, when the planning commission sends their recommendations to the board of supervisors, there seems to be a "100-mile trip" left.
- Mr. Palivoda inquired about the people Mr. Butler has met with and whether ZOTAC addresses those concerns and those of Mr. Butler.
  - Mr. Butler stated Yes.
  - Mr. Butler stated that the one thing that stands out to him is that agriculture has no subdivisions. Mr. Butler stated he has used the example of the Meadows as an agricultural subdivision (126 lots to a 10-acre lot). So, it gets into the philosophy where people are allowed to do something byright with the established ordinances that have existed for a long time. Do we want to change that and take it away?
- Mr. Palivoda inquired if it is safe to say that most concerns have been addressed.
  - Mr. Butler said he feels much better than before the first meeting.

Adjournment

Mr. Smolnik adjourned the meeting at 3:49 PM until Wednesday, April 30, 2025, at 3:00 PM in the boardroom of the Revercomb Building, which is open to the public.

On April 24, 2025, Mr. Allen West emailed a draft revision to the working draft of the ZOTAC recommendations to the Board of Supervisors (this will be reviewed by the committee members at the scheduled April 30, 2025, ZOTAC meeting, which is open to the public):

ZOTAC Committee – Grandfathering Language

(Mr. Allen West's Statement) I've drafted a proposed grandfathering provision for the revision of King George County's zoning ordinance that reflects our goals. This language is tailored to:

- Protect landowners already in the process of applying for a subdivision in the Agricultural districts.
- Define a "complete application" clearly to avoid ambiguity.
- Set a reasonable cut-off date based on when new ordinance changes occur.

Proposed Grandfathering Provision – King George County Zoning Ordinance

Section X: Grandfathering of Subdivision Applications in the Agricultural Zoning Districts

1. Applicability

This section applies to any major or minor subdivision application located within the Agricultural zoning districts (A-1, A-2, A-3) that would otherwise be restricted or prohibited by amendments to the Zoning Ordinance adopted on or after [insert adoption date].

2. Grandfathering Provision

Subdivision applications that meet the criteria of a Complete Application, as defined below, and are formally accepted by the Department of Community Development prior to [insert effective date of the ordinance changes], shall be processed, reviewed, and considered under the zoning regulations in effect on the date of application submission.

3. Definition of Complete Application

An application shall be deemed complete when it includes the following:

- A signed and completed subdivision application form submitted by the property owner or authorized agent.
- A subdivision plat (minor or preliminary major) is prepared in accordance with County subdivision regulations.
- Payment of all applicable fees.
- All required supporting documentation, including, where applicable, soil evaluations, traffic impact analyses, environmental reports, stormwater concept plans, and other studies required for completeness.

- Confirmation of acceptance for review by the Department of Community Development.

4. Grace Period for Incomplete Submissions

If an application is submitted prior to the effective date of the ordinance change but is determined by the Department of Community Development to be incomplete, the applicant shall have a 30-calendar-day grace period from the date of notification to correct the deficiencies.

If the deficiencies are corrected and the application is accepted as complete within this grace period, the application shall retain its eligibility for grandfathering under this provision.

5. Phased Developments

Where a major subdivision is proposed to be developed in phases, the submission of a complete application for the initial phase prior to the effective date of the ordinance change shall preserve the right to develop all subsequent phases under the zoning regulations in effect at the time of the original submission, provided that:

- A phasing plan was submitted with the initial application.
- Subsequent phases are submitted in general conformance with that plan.
- The overall development proceeds with reasonable diligence and without undue delay.

6. Validity and Expiration

Grandfathered subdivision applications shall remain valid and eligible for approval and development pursuant to the prior zoning ordinance, subject to applicable expiration provisions in the Subdivision Ordinance and provided the application is pursued in good faith.