



King William Zoning & Subdivision Ordinance Update

Joint Worksession, April 12, 2021

Progress to Date

The Planning Commission and Board of Supervisors met on November 16, 2020, to kick off the second phase of the zoning and subdivision ordinance update. Since that time, the Berkley Group has conducted public engagement to collect feedback on the revisions, including a virtual public forum that outlined the major changes of the ordinance, stakeholder interviews, and a county-wide survey. In addition, the Historic Preservation Architectural Review Board (HPARB) and a solar subcommittee have reviewed and provided revisions, which have been incorporated in the most recent draft dated December 3, 2020.

Agenda

The following agenda establishes the goals for the worksession on April 12, 2021. The focus of this meeting will be to consider the public input and reach consensus on changes to the draft zoning ordinance. The Berkley Group will provide a presentation and facilitate discussion on the following items:

1. Review Stakeholder and Survey Results
2. Examine and Edit Focus Items
 - a. Agriculture-Conservation (A-C) District Standards
 - b. Accessory Dwelling
 - c. Short Term Business Rental
 - d. Event Venue
 - e. Site Plan Required During Rezoning
 - f. Family Divisions
3. Other Edits
4. Proposed Schedule and Next Steps

Public Input Considerations

Public input on the draft ordinance update was collected through two methods: stakeholder listening sessions with 11 stakeholders participating, and a survey (mail-in and online) with 520 participating. A stakeholder report and survey results are provided as attachments A and B, respectively. Planning Commission and Board of Supervisors should review the attachments in preparation for discussion.

The following table focuses on those items that were identified by the Planning Commission as requiring additional input from the public and further consideration by the Planning Commission and Board of Supervisors. Each table provides an overview of the proposed change(s), purpose and intent of the change, public feedback, a basic comparison of benchmark communities, additional considerations, and recommended action. Each of these will be examined during the meeting with the goal of reaching consensus on any desired edits.



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Agriculture-Conservation (A-C) District Standards

| Description of Proposed Change | |
|--------------------------------|---|
| Overview | <ul style="list-style-type: none"> • The minimum lot size is proposed to increase from 5 acres to 10 acres. • Lot depth is proposed to increase from 200 feet to 500 feet. • Setbacks from US 360 and other primary roads is proposed to increase from 75 feet to 100 feet. • Street frontage on primary roads is proposed to increase from 400 feet to 500 feet. • Setbacks from secondary roads is proposed to increase from 50 feet to 75 feet. |
| Purpose/Intent | <ul style="list-style-type: none"> • The last Comprehensive Plan survey indicated that 61% of respondents felt the most important thing about living in King William was the rural nature. Tranquility and Farming and Agriculture were also in the top 4 of importance. • Increasing minimum lot size and minimum setbacks in agriculture districts is a common practice to preserve the rural landscape, discourage subdivision of productive land, and create more open space between development. |
| Public Input | |
| Stakeholders | <ul style="list-style-type: none"> • Strongly oppose increased lot size, indicating that it <ul style="list-style-type: none"> ○ Does not preserve agriculture. ○ Increases value of small lots and limits affordable housing. ○ Is harmful to low-income and first-time home buyers. • Consensus that increased setbacks are a positive change. |
| Survey Response | <ul style="list-style-type: none"> • Lot size increase: 46% agree - 39% disagree • Lot depth increase: 48% agree - 32% disagree • Setbacks from primary roads increase: 59% agree - 22% disagree • Street frontage increase: 42% agree - 32% disagree • Setbacks from secondary roads increase: 56% agree - 24% disagree |
| Benchmark Communities | |
| King & Queen County | <ul style="list-style-type: none"> • Minimum lot size: 2-3 acres, dependent on road type • Front setback: 100 ft |
| Caroline County | <ul style="list-style-type: none"> • Minimum lot size: 25 acres Ag. Preservation District; 10 acres Rural Preservation District • Front setback: 200 ft in Ag. Preservation District; 150 ft in Rural Preservation District |
| Hanover County | <ul style="list-style-type: none"> • Minimum lot size: 10 acres in Ag. District • Front setback: 125 ft |
| New Kent County | <ul style="list-style-type: none"> • Minimum lot size: 1.5 acres • Front setback: 75 ft |

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| Other Considerations |
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| <ul style="list-style-type: none"> Some localities utilize 20-30 acres as a minimum lot size to preserve agriculture and prevent fragmentation. Most of King William County is zoned Agriculture-Conservation. Higher density residential development can be directed toward appropriate areas, as identified in the Comprehensive Plan, through rezoning process. Smaller lots are allowed for family divisions. |
| Recommendation |
| <ul style="list-style-type: none"> Given stakeholder input and survey response was less than 50% supporting the lot size change, return the lot size, lot depth, and road frontage standards to the existing standards (5 acres, 200 ft, and 400 ft respectively). (See Sec. 86-70). Given public support for setback standards, maintain proposed increased setback standards (100 ft from US-360 and primary roads; 75 ft from secondary roads). (See Sec. 86-70). Continue community engagement on this issue through the on-going Comprehensive Plan update. Consider identifying areas on the Future Land Use Map in the Comprehensive Plan that should be preserved as agriculture and areas that are desirable for residential development. As part of Comprehensive Plan implementation, update the King William Zoning Map to provide an appropriate balance of Agriculture, Residential, Business, and Industrial District lands. |

Accessory Dwelling

| Description of Proposed Change | |
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| Overview | <ul style="list-style-type: none"> Defined as a smaller, independent residential dwelling unit located on the same parcel as a separate single-family dwelling. Allowed by-right in the A-C district and a CUP required in the R-R and R-I districts. Use standards include restrictions on the size based on location of the accessory structure: <ul style="list-style-type: none"> May equal existing finished square footage of primary dwelling when contained in the primary dwelling (e.g. basement, attic, additional level). Shall be no more than half the size of the finished square footage of the primary dwelling when attached to primary dwelling or located in a detached structure. |
| Purpose/Intent | Provides affordable housing, slows division of land, and assists with senior care. |



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| Public Input | |
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| Stakeholders | <ul style="list-style-type: none"> Helpful for the care of elderly. |
| Survey Response | <ul style="list-style-type: none"> 20% encourage 43% allow with restrictions 27% discourage 10% no opinion |
| Benchmark Communities | |
| King & Queen County | <ul style="list-style-type: none"> Not permitted. |
| Caroline County | <ul style="list-style-type: none"> Allowed in residential districts. Maximum of 2 bedrooms. Maximum occupancy of 2 people. Maximum 750 square feet. At least 1 off-street parking space. Property owners must reside on the property. |
| Hanover County | <ul style="list-style-type: none"> Allowed in RC, A-1, and AR-6 districts. Size limited to 25% of floor area of existing home. Maximum of 2 bedrooms. At least 2 off-street parking spaces. Property owners must reside on the property. Only 1 unit allowed per property. |
| New Kent County | <ul style="list-style-type: none"> Allowed in all districts unless prohibited. Occupant must be related by blood, marriage, or adoption. Size limited to 25% of total floor area of existing home or 450 square feet, whichever is greater. Only 1 unit allowed per property. |
| Other Considerations | |
| <ul style="list-style-type: none"> Communities that have allowed Accessory Dwelling Units despite concern of increased density, changes to neighborhood character, and demand on resources find that the fears are overstated. (Source: American Planning Association, <i>Accessory Dwelling Units</i>, QuickNotes 19) Some localities limit square footage but do not base it on the primary dwelling; average allowed sizes range from 650 to 800 square feet. Accessory Dwellings can be limited to 1 per parcel or allow based on acreage (e.g., 1 additional unit per 20 acres) | |
| Recommendation | |
| <ul style="list-style-type: none"> In addition to the proposed standards (Sec. 86-123), add the following: <ul style="list-style-type: none"> Only 1 Accessory Dwelling is permitted per parcel. A recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an Accessory Dwelling. An Accessory Dwelling shall obtain all proper permits and comply with all applicable requirements of the Virginia Department of Health and the Virginia Uniform Statewide Building Code. | |

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Short Term Business Rental

| Description of Proposed Change | |
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| Overview | <ul style="list-style-type: none"> Dwelling or portion thereof for rent for 30 days or less. Allowed by-right in the A-C district and CUP required in R-R and R-I district. Includes use standards requiring license, limiting number of adult guests, and providing for suspension of license. |
| Purpose/Intent | <ul style="list-style-type: none"> The use addresses new businesses like Airbnb, VRBO, and HomeAway. Including this use increases the potential to receive tourist dollars through taxes and direct spending. Standards ensure monitoring and reduce negative impact. |
| Public Input | |
| Stakeholders | <ul style="list-style-type: none"> Provides lodging for attendance at weddings and events and may lead to boutique hotels and larger hotels in the future. |
| Survey Response | <ul style="list-style-type: none"> 14% encourage use 30% allow with restriction 44% discourage use 12% no opinion Comments included concern of crime, a desire to allow them to support events and tourism, and a desire to regulate them. |
| Benchmark Communities | |
| King & Queen County | <ul style="list-style-type: none"> Not addressed |
| Caroline County | <ul style="list-style-type: none"> Not addressed |
| Hanover County | <ul style="list-style-type: none"> Not addressed |
| New Kent County | <ul style="list-style-type: none"> Not addressed |
| Other Considerations | |
| <ul style="list-style-type: none"> Short-term rentals are quickly becoming a popular use in localities. Without acknowledgment in the ordinance, the use is not permitted. A lack of addressing it may create an enforcement issue as well as missed opportunities for tax revenue and tourist dollars. Some localities require additional requirements including, but not limited to: <ul style="list-style-type: none"> Limiting the number of times a unit can be rented per year. Limiting the number of times a unit can be rented per week. Requiring the unit be owner occupied 60% of the year. | |
| Recommendation | |
| <ul style="list-style-type: none"> Maintain use as proposed in the districts (Sec. 86-120) and with the proposed standards (Sec. 86-179). Alternatively, additional standards may be added if desired (Sec. 86-179), such as requiring it be the primary residence of the owner (staying at least 185 days per year). | |



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Event Venue

| Description of Proposed Change | |
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| Overview | <ul style="list-style-type: none"> Location that hosts affairs for up to three consecutive days, including but not limited to: banquets, dinners, parties, and weddings. Allowed by-right in the A-C, R-R, B-1, and B-2 districts; sites that cannot meet use standards may apply for a CUP. Includes use standards that: cap event at 150 persons maximum; maintain no more than 5 events per calendar year; limit amplified sound; and require parking and setback of structures. |
| Purpose/Intent | <ul style="list-style-type: none"> Event venues are becoming a popular use in localities. Addressing it in the ordinance creates opportunity for tourist dollars and supports small businesses. Standards ensure there is minimal or no negative impact. |
| Public Input | |
| Stakeholders | <ul style="list-style-type: none"> Promote and encourage agritourism, wedding venues, festivals (day length), and historic re-enactments. |
| Survey Response | <ul style="list-style-type: none"> 37% encourage 40% allow with restriction 16% discourage 7% no opinion Comments included concern for noise and neighborhood disturbance, requests for limiting number and hours of operation, and requiring a CUP. |
| Benchmark Communities | |
| King & Queen County | <ul style="list-style-type: none"> Events and festivals are allowed on Farm Wineries with limit on number of events and requirement for permit prior to event(s). |
| Caroline County | <ul style="list-style-type: none"> Not addressed |
| Hanover County | <ul style="list-style-type: none"> Promotional Events for existing businesses allowed but does not address Event Venue. |
| New Kent County | <ul style="list-style-type: none"> Not addressed |
| Other Considerations | |
| <ul style="list-style-type: none"> Event Venues are one way that some localities build upon agritourism and create opportunity for new uses on farm and rural lands. Additional requirements can be added such as: <ul style="list-style-type: none"> A permit approved by the Zoning Administrator 30 days prior to each event, two events may be approved simultaneously if deemed to be same in nature and size. Limiting the hours of the event. Requiring private trash collection. | |
| Recommendation | |
| <p>Use standards were drafted based on PC input and may be adjusted (e.g. reduce number of persons in attendance, change time constraints on amplified sound). Alternatively, the use could be edited to require a conditional use permit in A-C, R-R, B-1, and B-2 districts (Sec. 86-120) and remove the use standards (Sec. 86-160) to address each impact on a case-by-case basis.</p> | |

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Site Plans Required During Rezoning

| Description of Proposed Change | |
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| Overview | <ul style="list-style-type: none"> Site plans must be submitted for PC and Board approval in applications that request a zoning change or a conditional use permit. The plans require inclusion of locations of all existing and proposed features including, but not limited to: lot lines; buildings; streets, driveways, loading and parking; storm sewer and other utilities; and character, size and height of fencing, signs, and landscaping. |
| Purpose/Intent | Provides PC and Board with insight into requests for informed decision making with regards to community impact and compatibility. |
| Public Input | |
| Stakeholders | <ul style="list-style-type: none"> Requiring site plans with rezoning applications is not supported. <ul style="list-style-type: none"> Not business friendly Land needs to be rezoned for marketing to businesses Details are not always known in the preliminary phase |
| Survey Response | <ul style="list-style-type: none"> 64% very important to require 19% important to require 10% somewhat important to require 6% not important to require |
| Benchmark Communities | |
| King & Queen County | <ul style="list-style-type: none"> Site plans are required for particular uses, developments, and projects. Review and approval of site plans is a leveled approach with some approved by Zoning Administrator, some by Planning Commission, and others by Board with Planning Commission recommendation. |
| Caroline County | <ul style="list-style-type: none"> General Development Plan required for rezoning. Initial consult and Technical Review Committee requirements prior to Planning Commission submission and then Board of Supervisor approval. |
| Hanover County | <ul style="list-style-type: none"> Conceptual Plans are required for rezoning and Master Plans required for particular districts. Final Site Plans approved by Zoning Administrator based on concept approval. |
| New Kent County | <ul style="list-style-type: none"> Narrative and a sketch or site plan is required with rezoning applications. Site Plans for uses approved by Zoning Administrator. |
| Other Considerations | |
| <ul style="list-style-type: none"> To ease cost burden during the rezoning application process, localities commonly accept Concept Plans, also referred to as General Development Plans or Preliminary Site Plans. Concept Plans are less detailed than site plans and show general locations for utilities and improvements. They do not typically include detailed engineering calculations and allow flexibility for changes in use and final design. The Final Site Plan should be based on this Concept Plan, with level of conformance proffered during the rezoning process. | |
| Recommendation | |
| <ul style="list-style-type: none"> Require Concept Plans (i.e., General Development Plan or Preliminary Site Plans) during rezoning applications with generalized locations and fewer submittal requirements (Sec. 86-368). | |

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- Given the limited land available with commercial and industrial zoning, identify appropriate areas for such uses through the Comprehensive Plan process. As part of Comprehensive Plan implementation, amend the King William Zoning Map to provide an appropriate balance of Agriculture, Residential, Business, and Industrial District lands.

Family Subdivisions

| Description of Proposed Change | | | |
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| Overview | <ul style="list-style-type: none"> Immediate family members (legally defined offspring, spouse, grandchild, grandparent, sibling, or parent) may gift a parcel of land. <i>(No change from existing ordinance.)</i> In the A-C district, the minimum lot size for family gift is 3 acres, in other districts the minimum lot size of the district applies. <i>(Proposed change from 5 acres in A-C district.)</i> Before being gifted the land must be owned a minimum of 5 consecutive years and after transferring it must remain with the recipient for a minimum of 3 consecutive years. <i>(Originally proposed with increased years of ownership, after initial public input PC returned to existing ordinance requirements.)</i> | | |
| Purpose/Intent | This is a regulation allowed by State Code and utilized to prevent circumvention of subdivision requirements for major subdivisions such as, but not limited to, road construction requirements. | | |
| Public Input | | | |
| Stakeholders | <ul style="list-style-type: none"> Current requirements seem appropriate. Family subdivisions have not been utilized much. Would support lowering timeframes. | | |
| Survey Response | <table border="0"> <tr> <td> <ul style="list-style-type: none"> 52% appropriate lot size 20% too large lot size 20% too small lot size 8% no opinion on lot size </td> <td> <ul style="list-style-type: none"> 51% appropriate time requirements 24% too long time requirements 14% too short time requirements 11% no opinion on time requirements </td> </tr> </table> | <ul style="list-style-type: none"> 52% appropriate lot size 20% too large lot size 20% too small lot size 8% no opinion on lot size | <ul style="list-style-type: none"> 51% appropriate time requirements 24% too long time requirements 14% too short time requirements 11% no opinion on time requirements |
| <ul style="list-style-type: none"> 52% appropriate lot size 20% too large lot size 20% too small lot size 8% no opinion on lot size | <ul style="list-style-type: none"> 51% appropriate time requirements 24% too long time requirements 14% too short time requirements 11% no opinion on time requirements | | |
| Benchmark Communities | | | |
| King & Queen County | <ul style="list-style-type: none"> Minimum lot size same as district. No prior ownership requirement. Must remain with recipient for a minimum of 10 years. 7 total lots from parent parcel. | | |
| Caroline County | <ul style="list-style-type: none"> Minimum lot size 2 acres. No prior ownership requirement. Must remain with recipient for a minimum of 5 years. Parent parcel must retain half of original size or 10 acres, whichever is less. | | |
| Hanover County | <ul style="list-style-type: none"> Minimum lot size same as district. No prior ownership requirement. Must remain with recipient for a minimum of 15 years. | | |



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| New Kent County | <ul style="list-style-type: none"> • Minimum lot size 1.5 acres unless more required for well and septic. • Must own a minimum of 3 years prior to dividing. • Must remain with recipient for a minimum of 2 years. • 8 total lots from parent parcel. |
| Other Considerations | |
| <ul style="list-style-type: none"> • The time requirement when utilized needs to be tracked and appropriate records maintained to ensure compliance with ownership. • Family may be expanded to include aunts, uncles, nieces, and nephews. | |
| Recommendation | |
| Maintain requirements as drafted (Sec. 86-120 & 86-405). | |



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Proposed Schedule and Next Steps

The following schedule is suggested to complete the King William County Zoning & Subdivision Ordinance Update. It is recommended that dates be set for the remaining meetings to advance the project according to schedule. The immediate next steps include incorporating edits from consensus items, reviewing edits during a joint worksession, and then hosting a public open house.

| 2021 | Date | Topics/Actions |
|------|------|--|
| Jan | 22 | Community Survey – open |
| Jan | 26 | Stakeholder Sessions |
| Jan | 28 | Community Virtual Forum |
| Feb | 24 | Community Virtual Forum - repeat |
| Feb | 26 | Community Survey - closed |
| Mar | 4 | Draft Survey Results sent to PC |
| Apr | 12 | Joint Worksession 2 – Review Community Input & Recommend Edits |
| May | | Incorporate Edits |
| June | * | Joint Worksession 3 – Review Edits |
| July | * | Open House |
| Aug | * | Joint Worksession 4 – Review Open House Comments, Final Comments/Edits |
| Sept | | Finalize Draft / Staff Review / Advertise PC Public Hearing |
| Oct | * | Planning Commission Public Hearing / Recommendation |
| Oct | | Advertise BOS Public Hearing |
| Nov | * | Board of Supervisors Public Hearing / Adoption |

* Dates to be determined.