

Zoning Ordinance Update

1. Residential Supp. Regs. - Open space and density
2. Outdoor Uses Supp. Regs - Fire Ranges, indoor/outdoor
3. General Development Standards - General standards / screening & buffering
4. HCDD – Applicability of regulations to currently developed sites and new development

BOS/PC Joint Meeting

May 11, 2021



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Supplemental Regs. Residential Uses (Tab F-1)

Proposed Supplemental Regs.

- Ancillary residential structure/use
 - Dwelling, secondary
 - Dwelling, single family attached
 - Dwelling, multifamily
 - Dwelling, single family detached conventional
 - Dwelling, single family detached cluster
 - Home occupations
- Open Space Regulations & Density

Open Space Definitions

Open space: An area that is intended for environmental, scenic, or recreational purposes.

- Open space may include, but need not be limited to, decorative plantings, bikeways, walkways, outdoor active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and greenways.
- The computation of open space shall not include tidal wetlands, utility and drainage easements, stormwater management facilities, driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic.

Open Space Definitions

Open space, common: Open space within a development or subdivision that is not a part of individually owned lots and which is available for the use and enjoyment of the residents of the development or subdivision.



Common Open Space Requirements

Two Categories

- Single Family
- Single Family Attached (townhomes) & Multifamily Requirements

Need BOS
concurrency related
to:

- # of lots/units when regs. apply
- % of open space required

Open Space Req. for Single Family

SF Det. Conv.	Existing Req.	Proposed Req.
When Required	> 50 lots	> 50 lots
Minimum OS Required	Not to exceed 10%	<u>Lot size ----- % OS</u> ≤ 10K -----10% >10K-30K-----7.5% >30K- 2 acres ---- 5% 2+ acres ---- None



Seawells Trace – 10K SF lot, 80' lot width



Roland Smith Dr. – 20K SF lot, 100' lot width



Foxhaven Drive – 30K SF lot, 100' lot width

City of Chesapeake

- ≤ 10K ----- 5 to 7.5%
- >10K-30K-----3 to 4%
- >30K- 2 acres --- 1.5 to 2.5%
- 2+ acres ---- 1.5%

Essex County

- < 0.5 acre ---8%
- > 0.5 - 1 acre --- 6%
- > 1 acre --- 4%

James City County

Any lot size ----- 10% OS



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Open Space Req. for SF-Attached & Multi-Family

	Existing Req.	Proposed Req.	
		SF Attached	Multi-family
When Required	N/A	> 35 lots	> 35 units
Minimum OS Required	N/A	10% of Net Acreage	10% of Net Acreage



River Bend Apartments



Colemans Crossing – 2,250K SF lot

City of Chesapeake
Any # of units
7.5%

Middlesex County
Any # of units
30%

James City County
Any # of units
10%

Determining Amount of Common Open Space Req.

Gross & Net Acreage:

Acreage, gross: total land area of a site.

Acreage, net: gross acreage less area for:

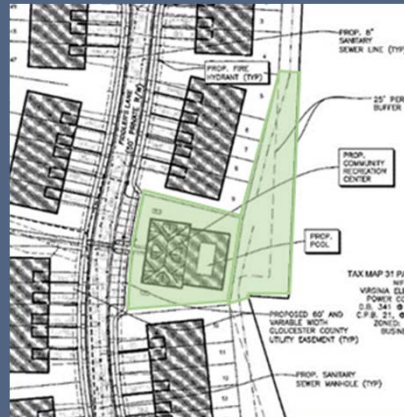
- ~~1. existing or proposed street rights-of-way;~~
- ~~2. Ponds, lakes, or other impounded water bodies (excluding storm water management facilities) as determined by the Army Corps of Engineers;~~
- ~~3. Tidal wetlands;~~
- ~~4. areas with slopes $>25\%$;~~
- ~~5. existing or proposed utility and stormwater management easements greater than 20 feet in width;~~
- ~~6. existing or proposed sites for utility and stormwater management facilities; and~~
- ~~7. other property dedicated for public ownership (parks, school sites, etc.) provided that the reduction for this shall not exceed ten (10) percent of gross acreage.~~

Required Open Space is based on net acreage.



Area in blue would be removed for required open space calculation.

Open Space Restrictions



Required Buffers: May be included when adjacent to open space area however, the area counted toward open space may not make up more than fifty (50) percent of the required open space.

Ponds/Lakes: May not make up more than fifty (50) percent of the required open space.

Common Open Space Requirements Discussion for Multi-family & SF-Attached Requirements

The analysis that follows utilizes proposed regulations for open space to see how recently approved developments would stack up.

- Riverbend (Apartments)
- Coleman's Crossing (Townhomes)

Common Open Space Requirements Discussion

27.5 acre site (gross)

-6.4 acre wetlands

21.1 (net)

- 10% OS required
- Min 10,000 sf OS parcel

OS required - = 2.11 ac



Riverbend Apartments 218 units

Common Open Space Requirements Discussion

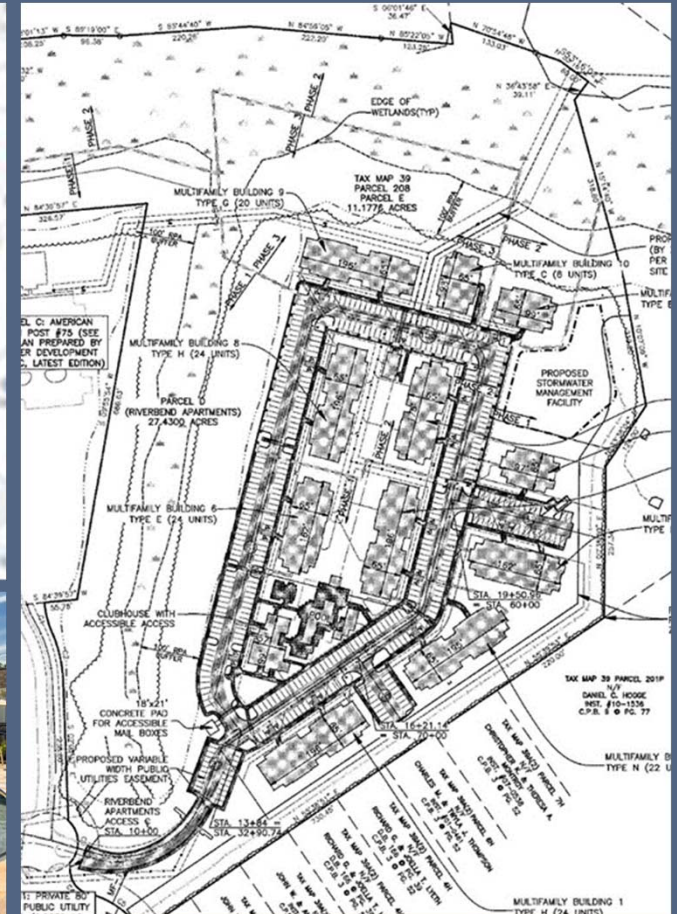
27.5 acre site (gross)
-6.4 acre wetlands = 21.1 (net)

10% OS required = 2.11 ac

OS Provided = 6.89 ac

- RPA 5.85 ac
- Pool area & central space
0.81 ac + .34 ac = 1.15
- (-) 0.11 ac (Clubhouse) =
1.04 acre

Would meet 10% Open Space Requirement



Riverbend Apartments 218 units

Common Open Space Requirements Discussion

Town house

Gross Acreage = 13.89 ac

Net Acreage = 13.89 ac

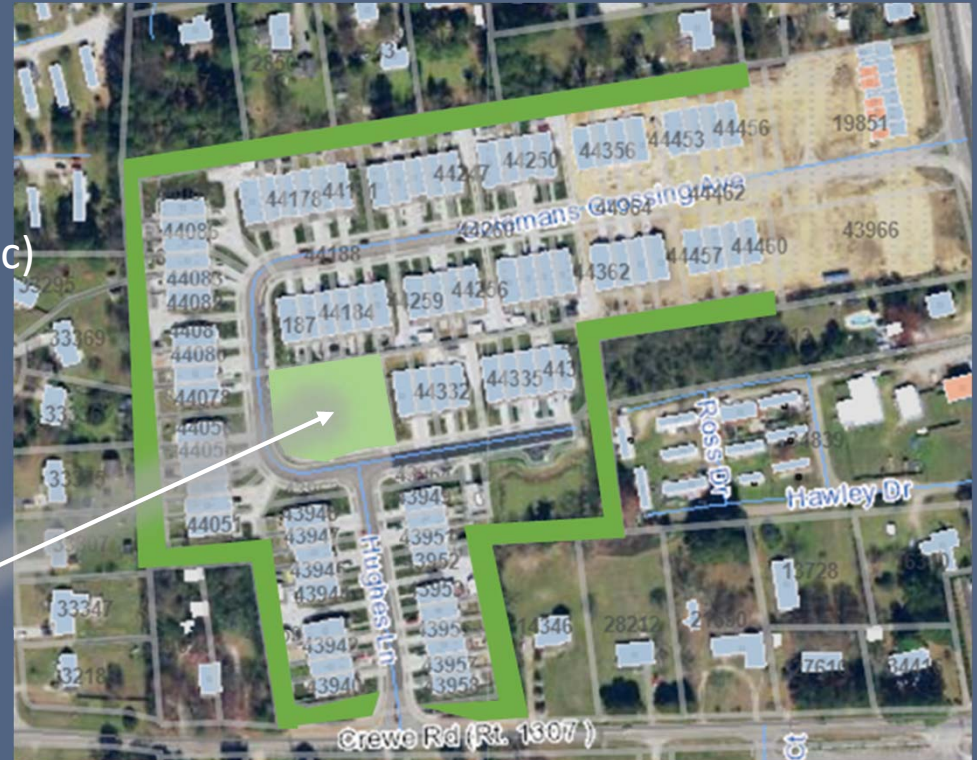
OS Required (10%) = 1.39 ac

Minimum individual OS area = 10K SF (0.23 ac)

OS Provided = 0.5 ac

- ~~Setback Buffers (1.25 ac)~~
- Setback Buffers adj to OS
 - None
- Rec = 0.56 – 0.06 club house = 0.5 ac

Would not meet 10% = Additional 0.89 ac open space required



Coleman's Crossing approx. 89 units

Residential Density Discussion

Gross vs Net Density for Conventional & Cluster Developments

Residential Density Discussion Gross or Net Acreage in Multi-family?

Recommendation – In multi-family (R-MF) and the mixed residential district (VMX) utilize net acreage to determine maximum density.

Case Study - Riverbend Site

Gross Acreage = 27.5
(-6.4 acre wetlands)
(-0.0 acre pond/lake)

Net Acreage = 21.1

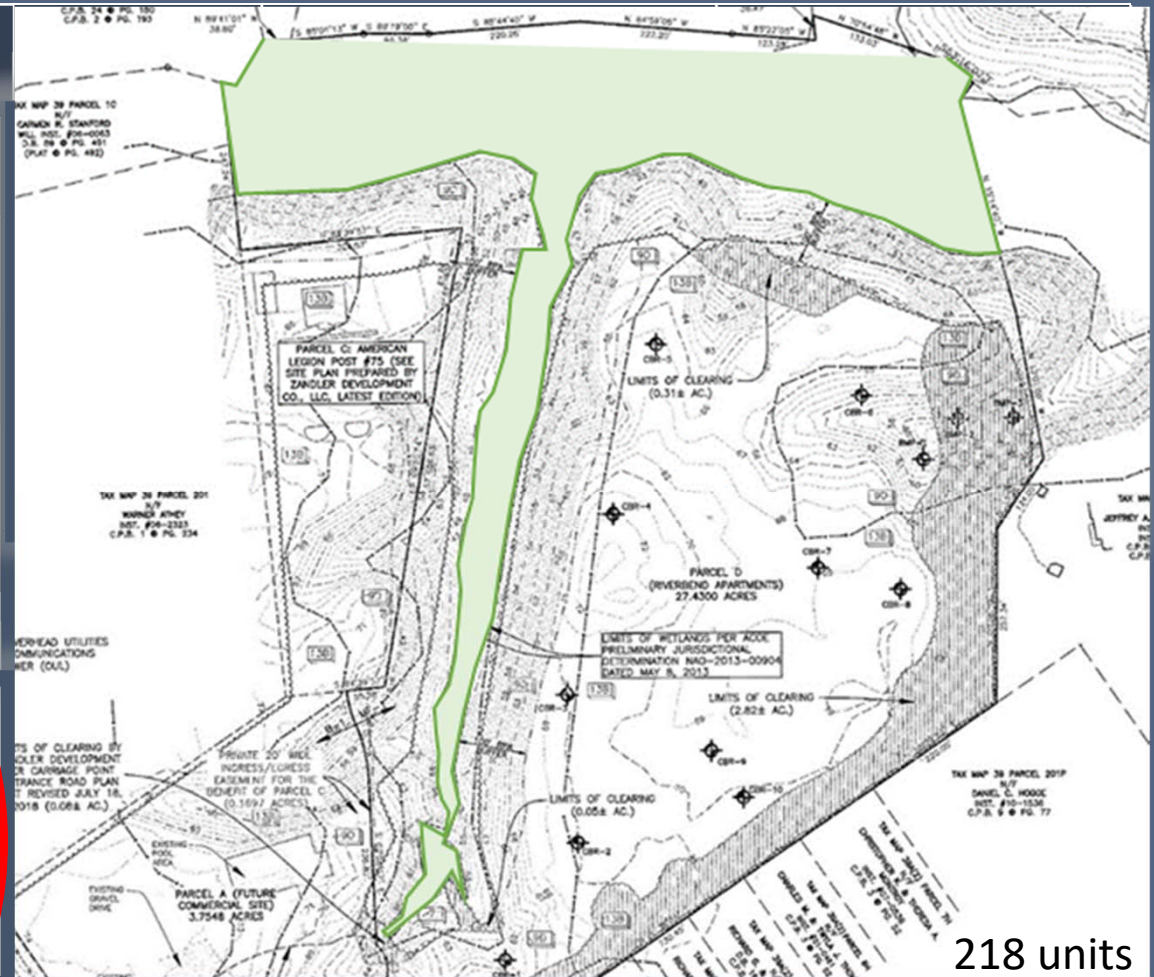


Riverbend 27.5 acre site (218 units)

Residential Density Discussion

Gross or Net Acreage?

Residential Districts	Lots/units gross density	Lots/units net density
AG-1 (5 ac lots)	5	4
AG-2 (5 ac lots)	5	4
R-BC (5 ac lots)	5	4
R-SC (2 ac lots)	13	10
R-SF (10K SF w/ w&s)	119	91
R-MF (8/acre)	220	168
(12/acre w/ CUP)	330	253
VMX (16/acre)	440	337



Residential Density Discussion

Gross or Net Acreage in Cluster Developments?

District	Lots/units gross density	Lots/units net density	Max # lots conv (gross)	Proposed Regulation	Current Regulation
				Max # lots cluster (gross) 40% OS required	Max # lots cluster (net) 40% OS required
AG-1 (5 ac lots)	5	4	5 – 5 ac min.	6 – 1 ac min.	5 – 1 ac min. (1 unit / 4 acres)
AG-2 (5 ac lots)	5	4	5 – 5 ac min.	6 – 1 ac min.	5 – 1 ac min. (1 unit / 4 acres)
R-BC (5 ac lots)	5	4	5 – 5 ac min.	6 – 1 ac min.	5 – 1 ac min. (1 unit / 4 acres)
R-SC (2 ac lots)	13	10	13 – 2 ac min.	18 – 30K SF min.	14 – 30K SF min. (1 unit per 1.5 acres)
R-SF (10K SF w/ w&s)	119	91	N/A	N/A	N/A

Incentives: more lots & reduced development costs

Incentive: reduced development costs

Outdoor Uses w/ Supp. Regs.

Existing

- Campground

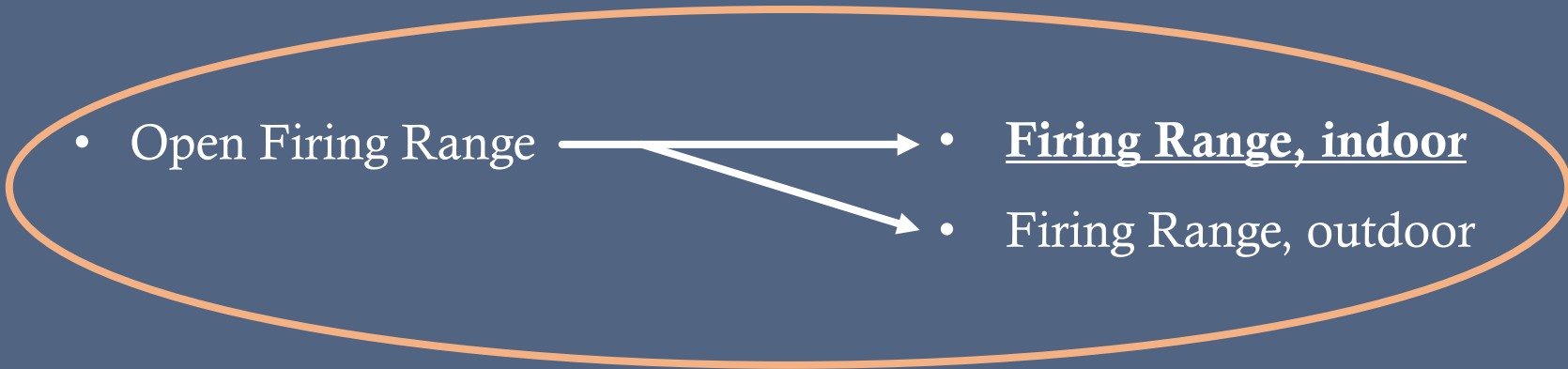
Proposed

- Campground

- Open Firing Range

- Firing Range, indoor

- Firing Range, outdoor



Firing Range, Indoor



Use	Districts											
	Conserv	Agriculture		Residential					Mixed Use	Business		Industrial
	C-1	AG-1 (RC-1)	AG-2 (RC-2)	R-BC (C-2)	R-SC SC-1)	R-SF (SF-1)	R-MF (MF-1)	R-MH (MH-1)	VMX (RMX/B2)	B-G (B-1)	B-R (B-4)	I-1
<u>Firing range, indoor</u>		<u>CUP</u>	<u>CUP</u>	<u>CUP</u>						<u>P</u>		<u>P</u>

Firing Range Definition

Firing Range, Indoor

- An indoor specialized commercial facility designed for firearms qualifications, training or practice.
 - Operated as a business pursuant to the definition in Chapter 10 of the Gloucester County Code
 - Paintball shooting ranges shall fall under the “Commercial amusement, entertainment, sports” use.

Firing Range, Indoor Regulations

1. General Requirements:
 - a. Owner or lessee's responsibility to ensure the range is supervised by a certified individual during hours of operation.
 - b. Range shall meet a national design standard for the type of range proposed
 - ~~c. Distance requirements - 1,000 feet from:
 - i. Educational facilities
 - ii. Parks, recreation areas, libraries
 - iii. Churches and other places of worship~~



Do we want distance requirement from certain land uses?



Firing Range, Indoor Regulations

2. When CUP required - Site Plan Required demonstrating how the facility meets a national standard.

- Prepared by a design professional certified by the state.
- County staff will consult w/ Sheriff to review applications.



Use	Districts											
	Conserv	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	AG-1 (RC-1)	AG-2 (RC-2)	R-BC (C-2)	R-SC (SC-1)	R-SF (SF-1)	R-MF (MF-1)	R-MH (MH-1)	VMX (RMX/B2)	B-G (B-1)	B-R (B-4)	I-1
<u>Firing range, indoor</u>		<u>CUP</u>	<u>CUP</u>	<u>CUP</u>						<u>P</u>		<u>P</u>

Firing Range, Outdoor



Use	Districts											
	Conserv	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	AG-1 (RC-1)	AG-2 (RC-2)	R-BC (C-2)	R-SC (SC-1)	R-SF (SF-1)	R-MF (MF-1)	R-MH (MH-1)	VMX (RMX/B2)	B-G (B-1)	B-R (B-4)	I-1
Firing range, <u>outdoor</u>		<u>SE</u> <u>CUP</u>	<u>SE</u> <u>CUP</u>	<u>SE</u> <u>CUP</u>								

Firing Range Definition

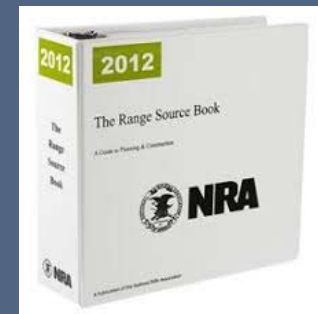
Firing Range, Outdoor

- Use of land for the discharging of firearms for target practice, skeet, and/or trap shooting where the use is operated as a business pursuant to the definition in Chapter 10 of the Gloucester County Code. (Definition excludes private facilities such as the Middlesex Sporting Club from the regulations.)
 - An indoor firing range can be accessory to the use.
 - General hunting and ~~unstructured and nonrecurring~~ discharging of firearms on private property is not regulated under zoning.
 - Commercial uses such as archery and paintball park shooting ranges shall fall under the “Commercial amusement, entertainment, sports” use.

Firing Range, Outdoor Regulations

1. Article 9 - General Requirements

- a. *Lot size
 - 25 acre minimum – rifle range
 - 5 acre minimum – pistol range
- b. *Owner or lessee’s responsibility to ensure the range is supervised by a certified individual during hours of operation.



Range shall meet the range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; the National Shooting Sports Foundation; ~~or other similar company, organization, or association~~ for the type of range proposed.

- 2. Conceptual site plan required demonstrating how the range meets national design standards for the type of range proposed.

*Current requirement

Firing Range, Outdoor Regulations

2. Conceptual site plan required (continued)

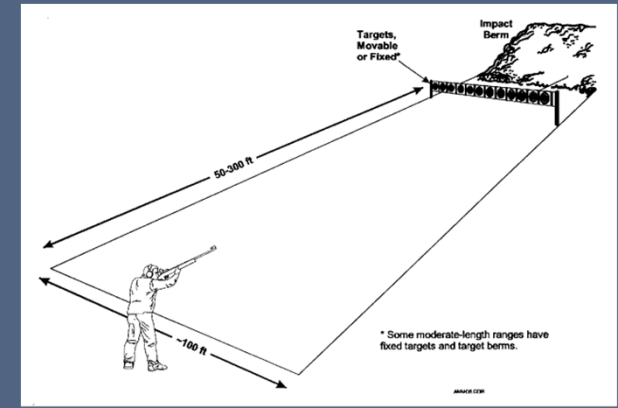
- a. Show the location of all facilities... buildings, firing points, parking, fences, wetlands, and similar elements.
- b. Ammunition storage, if any, shall be identified.
- c. Firing points set back min. of 300' from any residence
- d. Prepared by a professional engineer or other design professional licensed by the state.



Suggest limiting our regulations to those that are not covered in the NRA range, or similar standards, to avoid confusion.

Firing Range, Outdoor Regulations

3. County will consult with Sheriff's department
4. PC / BOS may include conditions related to, but not limited to the following:
 - a. Hours of operation
 - b. Noise abatement features
 - c. Location of firing points
 - d. Increased setbacks, buffering, screening
 - e. Security fencing and/or signage
 - f. Collection and/or recycling of spent ammunition



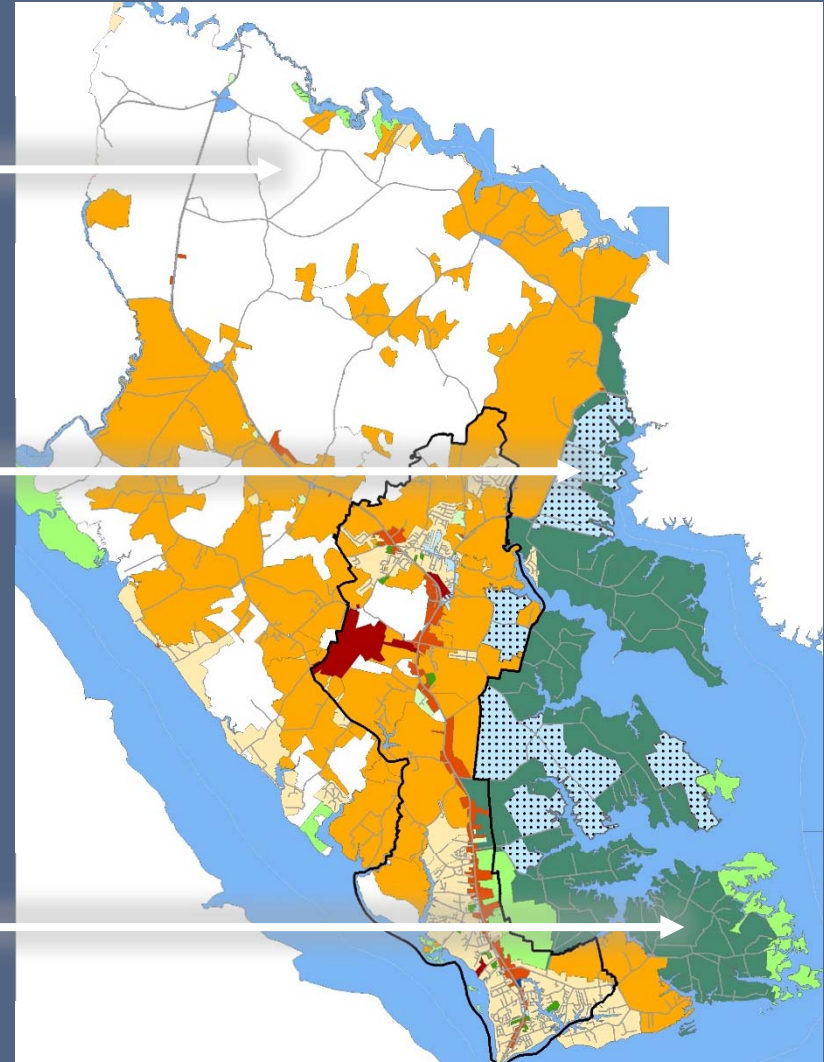
Staff considered other regulations, but feel that the CUP process and requirement to meet national standards is appropriate.

Firing Ranges - CUP

AG-1 (RC-1)
Rural Countryside

AG-2 (RC-2)
Rural Conservation

R-BC (C-2)
Bayside Conservation



General Development Standards

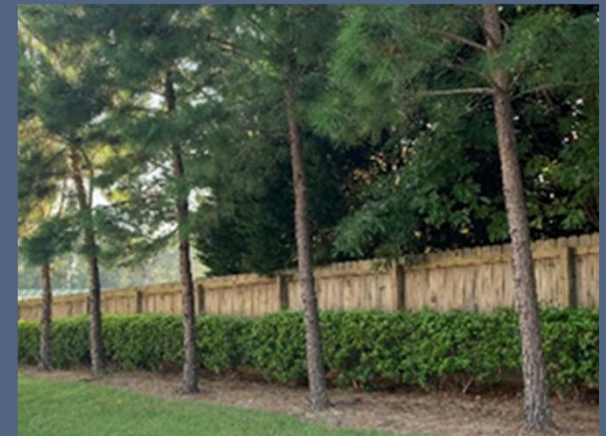


Regulations applicable to all districts/uses



Regulations only applicable to certain districts

(These are included in the district regulations.)



Regulations only applicable to certain uses adjacent to other uses

New General Development Standards – All Districts/Uses

Proposed Regulations (3 in total)

1. It shall be the applicant's responsibility to ensure compliance with all other local, state, and federal regulations.
2. It shall be the applicant's responsibility to ensure that any development shall be accessible to fire, police, emergency, and service vehicles.



New General Development Standards – All Districts/Uses

Proposed Regulations (3 in total)

3. Streets - The width, grade, location, alignment, and arrangement of public dedicated streets and associated features and any work conducted within or adjacent to a state owned or maintained right of way shall conform to the requirements of the Virginia Department of Transportation and other codes of the county. (Pulled from Site Plan Ordinance.)

Public Roads



Private Roads will be addressed in the Subdivision Ordinance Update

Screening and Buffering



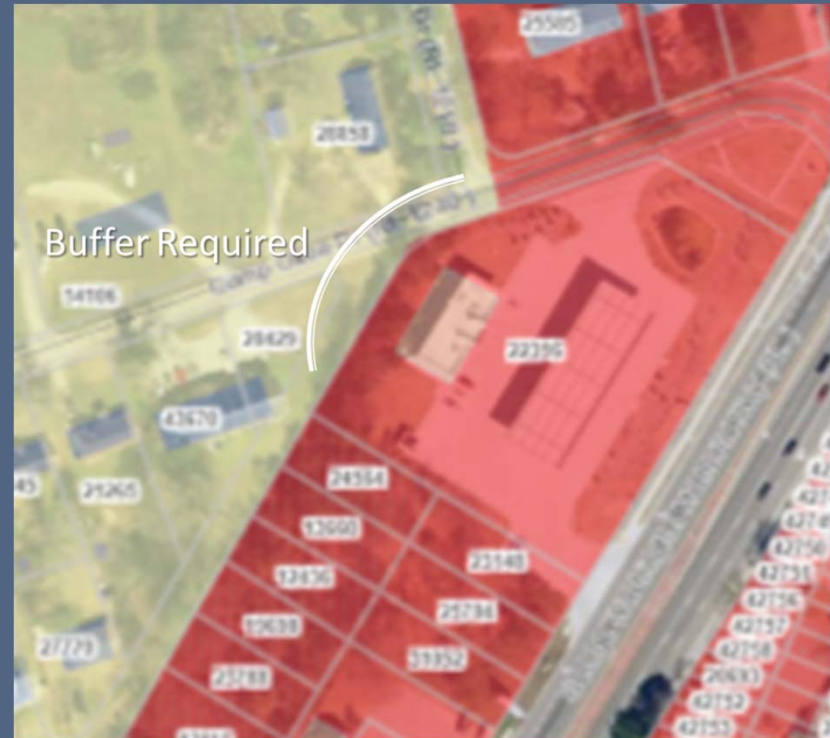
This has been added to the supplemental regulations for those uses. (Discussed on slide 19)

	Current Regs. (9-8)	Proposed Regs.
<u>Non-residential use adj to residential district</u>	<u>Yes</u>	<u>Yes</u>
<u>Multi-family adjacent to single family</u>	<u>No</u>	<u>Yes</u>
<u>Commercial or industrial adjacent to multifamily</u>	<u>No</u>	<u>Yes</u>

Screening and Buffering

Intent:

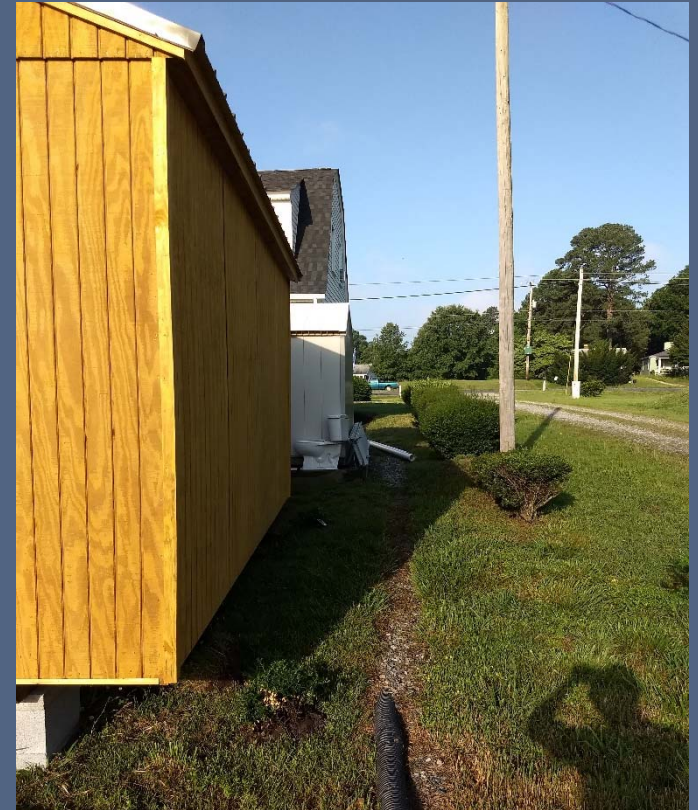
- 1) Set minimum standards that will ease the transition and provide visual buffers between different land uses.
- 2) Encourage the preservation and incorporation of existing vegetation into new developments



Screening and Buffering

Applicability:

- 1) A site plan pursuant to Chapter 15 Subdivisions or Chapter 15.5 Site Plans of the County's ordinance
- 2) A zoning permit pursuant to section 15-1 of this ordinance which includes additions to an existing building, new buildings, or additional parking areas. The provisions of this section shall only apply to the new development / redevelopment on the site and not to the existing features.



Red Cross on Rte. 17
Shed addition

Screening and Buffering

Screening and Buffering Standards:

- Where nonresidential buildings or uses abut any lot line of a residential district (as defined in article 2 **Section 4-1(a)** of this ordinance) or residential use, and where no other landscaping is required, one of the following methods shall be used to buffer the nonresidential use from the residential lot line.

Applicable where:

- Civic, commercial, industrial, etc. uses are adjacent to multifamily or single-family districts or uses.
 - Bayside Conservation R-BC
 - Suburban Countryside R-SC
 - Single Family R-SF
 - Multi-Family R-MF
 - Manufactured Home Park R-MH

Not applicable where:

- Multifamily residential uses are adjacent to single family uses.
 - Screening/buffering is addressed in supplemental regs. For those uses (slide 19).

Screening and Buffering

Type	Screening and Buffering Options
Current Option - Large Buffer, less landscaping / screening	(1) A minimum thirty-foot setback of all nonresidential buildings and uses from the residential lot line, in conjunction with a continuous landscaping strip of not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs located between the nonresidential use and the residential lot line.
Current Option - Smaller Buffer with fence and plantings	(2) A six-foot high <u>solid stockade style wooden stockade fence (wood, plastic, or other similar manmade material) or wall (brick, stone, or similar material)</u> located between the nonresidential use and the residential lot line. A continuous landscaping strip of not less than <u>ten (10)</u> five (5) feet in width shall be <u>provided</u> located on the residential side of such fence , and shall be planted with one (1) evergreen tree <u>(at least five (5) feet at the time of planting)</u> and two (2) medium shrubs (each at least 24 inches in height at the time of planting) for every ten (10) linear feet.

Screening and Buffering

Type	Screening and Buffering Options
Additional Option - Smaller Buffer with hedge and trees	<p><u>(3) A minimum ten-foot setback of all buildings and uses from the residential lot line, in conjunction with a continuous evergreen hedge with a minimum height at planting of two (2) feet and be a species that will reach a minimum height of six (6) feet within five (5) growing seasons and one large evergreen or deciduous tree (at least five (5) feet at the time of planting) for every twenty-five (25) linear feet.</u></p>
Additional Option – Applicant Proposed	<p><u>(4) A modified plan in cases where special consideration is warranted by virtue of site design, topography, unique relationships to other properties, or existing natural vegetation may be approved by the zoning administrator, or his or her designee, provided the intent of the ordinance is met.</u></p>

County Attorney Comment: Remove the statement about the ZA deciding what is possible. It needs to be written into the code, not up to one person

PC/BOS Comment: Related to the County Attorney's comments, state what you cannot use as a buffer versus what you can.

Screening and Buffering

Administration:

- 1) The use of existing vegetation shall be allowed in place of required new plant material as long as the vegetation to be used meets the intent of this ordinance, ~~as approved by the Zoning Administrator, or his or her designee.~~
- 2) Required plantings shall not obscure traffic visibility within fifty (50) feet of an intersection as per Section 9C-1.200 Visibility at intersections.
- 3) The Zoning Administrator may waive required screening if ~~site conditions make screening unnecessary or~~ other required screening meets the intent of the section.

County Attorney Comment: Remove the statement about the ZA deciding what is possible. The type / width needs to be written into the code, not up to one person.



Staff note: If we keep this, we need to be specific about circumstances that may allow a waiver such as distance, topography, etc.

Screening and Buffering

Administration: (health and maintenance)

- 4) Landscaping required by this ordinance shall be planted during the earliest opportune planting season, and shall be in place and in good condition prior to a final certificate of occupancy being issued for the site. A surety shall be required when plants are not installed during an opportune planting season or if not installed prior to a final certificate of occupancy.
- 5) The owners and their agents shall be responsible for protecting and maintaining all required landscaping in healthy and growing condition. Any unhealthy or dead plant materials shall be replaced by the next planting season or within one (1) year unless the remaining healthy vegetation meets the intent of the required screening ~~as determined by the Zoning Administrator, or his or her designee.~~

HCDD Applicability

Sec. 6A-3. - Applicability.

... The conditions of this section shall apply to any development or redevelopment located within such boundaries, excluding parcels where only private streets or drive aisles providing direct access are within the boundary, which is subject to chapter 15 (Subdivision) or chapter 15.5 (Site Plans) of the Code of the County of Gloucester, Virginia.

Development: The establishment any non-agricultural activity that results in a change in existing site conditions or use and requires a zoning permit.



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PC/BOS Comment: Consider revising the HCDD regulations so that they apply after a site has been vacant for more than 2 years. Also consider waivers or modifications for small parcels that cannot meet the setback requirements.

HCDD Applicability

New Use on Developed Parcels

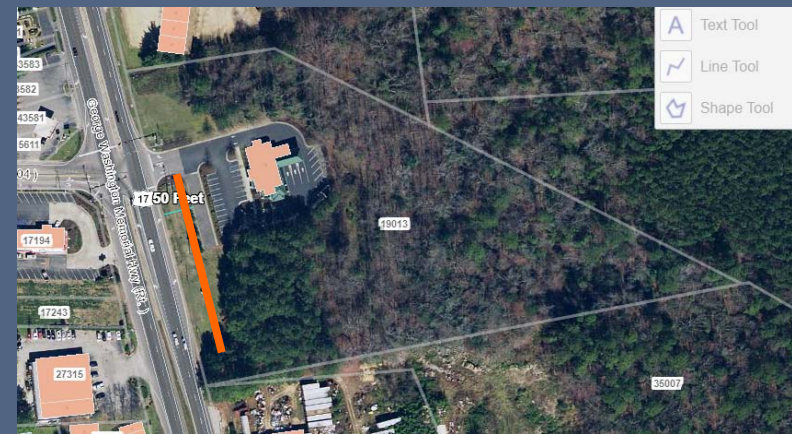
- Chapter 15 and 15.5 N/A
- HCDD N/A



HCDD Applicability

New Use on Un-Developed or Redeveloped Parcels

- Chapter 15.5 applies (Site Plan Needed)
- HCDD applies



Questions?



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