

## MEMORANDUM

DATE: February 23, 2023

TO: The Policy Committee

FROM: John Risinger, Senior Planner  
Tom Leininger, Principal Planner

SUBJECT: ORD-22-0003. Amendments for Calculation of Residential Development Density

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### Introduction

At the March 8, 2022, Board of Supervisors (BOS) meeting, a request was made to bring forward an Initiating Resolution to consider amending how residential density is calculated with a direction to explore using net acreage. This Initiating Resolution was adopted by the BOS at its meeting on April 12, 2022, which has been included in the Agenda Packet as Attachment No. 2.

The Policy Committee discussed this item at its January 12, 2023, meeting and sought additional guidance from the BOS regarding the intent of the request and if there should be any offset for the reduction in development potential. At its January 24, 2023, Business Meeting, the BOS provided further guidance stating that the intent of the request included avoiding pockets of high-density residential development and reducing impacts to the environment and directed staff to prepare Ordinance language utilizing net acreage for density calculations for consideration.

Following these discussions, the County Attorney's Office confirmed that the Initiating Resolution is applicable to all zoning districts which permit residential development. As a result, to meet the direction from the BOS, staff has included the A-1, General Agricultural, District as part of these considerations.

### Proposed Ordinance Revisions

Staff has drafted proposed revisions to the Zoning Ordinance that would result in the use of net acreage for all districts which permit residential development. Staff has drafted the following definition to be included in Section 24-2 so that it can be uniformly referenced in all districts which permit residential development.

*Density, net. Net density shall be calculated as the number of dwelling units divided by the developable area.*

This definition would require that density be based on developable area which is defined as "the total land area of the site minus resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the one percent annual chance (100-year) storm event (FEMA zones A, AE, AO, V, and VE), and areas of 1,000 square feet or greater containing steep slopes (Refer to definition of "non-developable area" and "steep slopes.")."

Staff has categorized the involved districts below based on the extent of the revisions and policy considerations. The full text of the proposed revisions is available in Attachment No. 1 and the memorandum and comparison of density calculation methods presented at the January 12, 2023, Policy Committee meeting have been provided as Attachment Nos. 3 and 4 for additional context.

### **A-1, General Agricultural/R-8, Rural Residential**

The A-1, General Agricultural and R-8, Rural Residential, Districts currently do not have density requirements except for cluster subdivisions in the A-1 District. Instead, these districts have historically regulated the number of units per acre through the minimum lot size provisions. To implement a net density approach in these districts, staff has drafted new sections that would apply a density maximum for major subdivisions similar to the language used in other districts. In addition, the cluster configuration section has been updated to reference net density within the existing density standard. In the 2045 Comprehensive Plan, the Rural Lands land use designation recommends a density of one unit per 20 acres but does not state that it should be calculated using net acreage. As part of previous Ordinance revisions, the minimum lot size in these districts was revised to become consistent with the recommended density. Excluding non-developable areas could result in average lot sizes that are considerably greater than 20 acres. Staff finds that the minimum lot size requirement adequately ensures that the character of adjacent developments are compatible without requiring density to be calculated using net acreage and does not recommend revising these districts. Should the Policy Committee recommend utilizing net density in the A-1 and R-8 Districts, staff has included draft language for the districts in Attachment No. 1.

### **R-6, Low-Density Residential**

The R-6, Low-Density Residential, District, similar to the A-1 and R-8 Districts, does not currently have density requirements and instead requires lots be a minimum of one acre in size. Implementing net density in this district would require the addition of a new section to regulate the density of major subdivisions. All land zoned R-6 is part of existing platted subdivisions which are mostly built out, thus, implementing a density requirement would not reduce development in lands zoned R-6. Further, the district is not envisioned to be used for future development proposals. This district remains in place to govern the existing neighborhoods and staff finds that no substantial benefit would be received from implementing net density in this district and does not recommend revising the district. Should the Policy Committee recommend utilizing net density in the R-6 District, staff has included draft language for the district in Attachment No. 1.

### **Residential Districts**

The R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, and PUD, Planned Unit Development, Districts utilize the stepped approach (described in Attachment Nos. 3 and 4). The Residential Cluster Development Overlay District also utilizes the stepped approach. Further, the Residential Cluster Development Overlay District is required by the Code of Virginia to utilize the same density standard as the base district. As the Residential Cluster Development Overlay District applies to the R-1 and R-2 Districts, it must utilize the same density calculation as those districts. Implementing net density in this category of districts would involve deleting the language and tables for the stepped approach and referencing the new net density definition throughout the districts. The Low-Density Residential and Moderate-Density Residential land use designations in the Comprehensive Plan recommend density ranges which are based on gross acreage and, thus, a gross density calculation would be most consistent with the land use designations. A net density approach could be more likely to result in adjacent developments within the same Comprehensive Plan designations having a more even intensity of development. Staff finds the current stepped approach serves as a compromise between these two considerations. Should the Policy Committee recommend utilizing net density in these districts, staff has included draft language for the districts in Attachment No. 1.

### **MU, Mixed Use/EO, Economic Opportunity**

The MU, Mixed Use, District currently utilizes the stepped approach. Implementing net density in the MU District would involve deleting the language and tables for the stepped approach and referencing the new

net density definition. The EO, Economic Opportunity, District currently requires density to be based only on developable area and thus already uses a net density approach; however, updating the district to reference the net density definition would make this district consistent with other districts if net density is adopted. The MU and EO - Mooretown Road/Hill Pleasant Farm Area land use designations recommend density ranges using net acreage. The language in the MU designation was updated to net density as part of the 2045 Comprehensive Plan. Staff finds that these changes would be consistent with the Comprehensive Plan and recommends revising the districts. Should the Policy Committee recommend utilizing net density in the MU and EO Districts, staff has included draft language for the districts in Attachment No. 1.

## **Conclusion**

Staff has provided recommendations for the district groupings above and looks forward to discussion and the Policy Committee's recommendations on these items. The next steps for this amendment of the Zoning Ordinance are anticipated to be public hearings at the Planning Commission's April 5, 2023, meeting and the Board of Supervisors' May 9, 2023, meeting. As these changes result in a reduction in permissible density, all property owners in these districts will be notified in accordance with the Code of Virginia prior to the public hearings.

JR/TL/md

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## **Attachments:**

1. Draft Ordinance
2. Initiating Resolution
3. January 12, 2023, Memorandum to the Policy Committee
4. Comparison of Density Calculation Methods