

MEMORANDUM

DATE: January 12, 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

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. 1.

Density for a development is calculated based on the proposed number of residential units divided by the acreage of the property. The acreage used in the calculation can either be gross, net, or an alternative approach. Gross acreage encompasses the entirety of a property. Net acreage is when certain specified areas are not included. Other alternative approaches may follow a path somewhere in the middle and allow for the inclusion of some of the specified areas that might otherwise be excluded in a net calculation.

In terms of what might not be included in net acreage, it is common in a zoning context to consider the areas that are not suitable, or are less suitable, for development. In James City County, non-developable areas are currently defined as “all resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the one percent annual change (100-year) storm event (FEMA zones A, AE, AO, V, VE, and Coastal A), and areas of 1,000 square feet or greater containing steep slopes.” Note that the non-developable definition was updated in 2012, with the changed definition encompassing more area than under the previous definition. The non-developable land, as defined, is used in calculating net density and has been used in several other approaches to alternative calculations over the years.

Zoning History

In James City County, a variety of density calculations using gross acreage, net acreage, or other alternative approaches, have been used over time. There is also some variation by particular zoning district. The following table summarizes the current calculation approach and the previous approach. Additional discussion about the alternative approaches (“stepped” and “single number”) that are noted in the table is included below.

Zoning District	Current Density Calculation Method	Previous Density Calculation Method	Notes
A-1, General Agricultural	Gross (density is not specified, just minimum lot size)	No change	
R-1, Limited Residential	Alternative approach - stepped	Gross	Updated in 2012

Zoning District	Current Density Calculation Method	Previous Density Calculation Method	Notes
R-2, General Residential	Alternative approach - stepped	Gross	Updated in 2012
R-3, Residential Redevelopment	Alternative approach - stepped	No change	District created in 2012 with stepped approach density
R-4, Residential Planned Community	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
R-5, Multi-family Residential	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
R-6, Low-Density Residential	Gross (density is not specified, just minimum lot size)	No change	
R-8, Rural Residential	Gross (density is not specified, just minimum lot size)	No change	
PUD, Planned Unit Development	Alternative approach - stepped	Net	Updated in 2012
MU, Mixed Use	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012
EO, Economic Opportunity	Net	No change	District created in 2011 with net density
Cluster Overlay District	Alternative approach - stepped	Alternative approach - single number (35%)	Updated in 2012

Prior to amendments to the Zoning Ordinance in 2012, many of the residential districts utilized an alternative approach which used a single number to calculate permitted density. With this approach, the permitted density for parcels with less than 35% non-developable area was calculated using the gross acreage of the parcel. The permitted density for parcels with 35% or greater non-developable area was the sum of the developable area and 35% of the gross acreage of the parcel.

The 2012 Zoning Ordinance amendments included updating many of the districts to use a stepped approach. This approach continues to allow parcels with a lower amount of non-developable area to use their gross acreage but utilizes a stepped system for parcels with more non-developable area. As the percentage of non-developable area increases, less of the gross acreage of the parcel may be added to the developable area. The following table shows the stepped approach as it is currently used in the R-1, R-2, R-3, R-4, R-5, PUD, MU, and Cluster Overlay Districts. These Districts are primarily found inside the Primary Service Area (PSA).

Percent non-developable	Percent of gross acreage added to the developable land
0-20%	Use total parcel acreage
21-40%	20
41-70%	15
70-100%	10

A comparison showing the implications that each calculation has on the number of units, and the resulting densities on the developable area and total areas of the parcel has been included in Attachment No. 2. The alternative methods are a middle ground between gross acreage which results in the highest intensity of development and net acreage which results in the lowest intensity. It is important to consider that while the alternative methods do allow parcels with non-developable land to add a percentage of the total parcel acreage to the developable acreage to arrive at the acreage that can be used in the density calculation, the resulting densities are lower both across the total parcel and within the developable land. Additionally, development and design standards within the Zoning Ordinance, Subdivision Ordinance, Chesapeake Bay Preservation Ordinance, and other applicable regulations would continue to restrict the use of non-

developable areas for proposed developments.

Peer Locality Research

Staff has reviewed Ordinances from peer localities to determine if there are any similarities in how residential density is calculated. The findings show that each of the localities has an individualized process for calculating density as follows. The City of Williamsburg utilizes an alternative approach which uses net acreage but allows portions of certain environmental features to be credited towards the acreage. York County utilizes net acreage in their calculations; however, their Ordinance does not exclude Resource Protection Area acreage. The City of Suffolk utilizes the gross density approach for conventional developments and the net acreage approach for cluster configurations. Fauquier County utilizes a stepped approach that uses gross acreage but has reductions in density for certain environmental features. Finally, Albemarle County utilizes gross acreage when calculating density.

Policy Considerations

For the recommended densities within the Land Use Designation Descriptions and Development Standards, the Comprehensive Plan Low Density Residential (LDR) and Moderate Density Residential (MDR) designations have recommended densities that are expressed in density ranges based on gross acreage, and the Mixed Use (MU) and Economic Opportunity (EO) - Mooretown Road/Hill Pleasant Farm Area designations have recommended densities that are expressed in density ranges based on net acreage. As the Zoning Ordinance districts are mechanisms to implement the Comprehensive Plan, a gross calculation would be most consistent for the Residential Zoning Districts.

In addition, the Land Use Chapter states that residential growth is intended to occur inside the PSA, promotes infill development and redevelopment to occur inside the PSA, and recognizes that directing development inside the PSA results in a more efficient delivery of public facilities and services. One consideration is that a reduction in the permitted densities of residential districts will reduce the residential capacity inside the PSA. With less capacity inside the PSA, market demands could result in increased growth pressure outside the PSA. While the recent amendments to lot sizes in the A-1 and R-8 Districts reduce what development could be achieved outside the PSA, the rate at which lots are developed could increase. Furthermore, a reduction of development inside the PSA and any increase in growth outside of the PSA would result in less efficient public facilities and services when compared to maintaining the density calculation.

Another consideration is that reducing densities could impact opportunities for workforce housing, whereas creating opportunities for workforce housing is consistent with the goals of the Workforce Housing Task Force and the Comprehensive Plan Housing Chapter and Housing Goals, Strategies, and Actions. With fewer units in a development, it could affect the ability of developers to offer affordable units while still meeting their financial goals for the project. Additionally, ongoing costs shared among owners such as association dues could be higher than they would otherwise have been if split among more units, potentially further reducing affordability for owners.

While efficient development and housing affordability are important goals of the Comprehensive Plan, another important consideration in the Comprehensive Plan is the character of the community and compatibility of new development with adjacent neighborhoods. As shown in Attachment No. 2, if using the gross acreage calculation or alternative approaches, there could be a much higher intensity of development within the developable areas for parcels that have higher amounts of non-developable areas compared to properties with less non-developable area. This could cause nearby developments to have considerably different characters in terms of unit types and lot sizes. With the net density calculation, the character of adjacent developments would be more consistent if they have the same zoning. Staff finds that the stepped approach addresses this consideration more than a gross calculation, but less than the net calculation.

Conclusion

As noted above, for the recommended densities within the Land Use Designation Descriptions and Development Standards of the adopted 2045 Comprehensive Plan, the LDR, and MDR designations have recommended densities that are expressed in density ranges based on gross acreage, while the MU and EO - Mooretown Road/Hill Pleasant Farm Area designations have recommended densities that are expressed in density ranges based on net acreage. As the Zoning Ordinance is one of the primary mechanisms put into place to implement the Comprehensive Plan, a gross density calculation may be most consistent with the land use designations of the adopted Plan. While, a net density calculation may be more consistent with ensuring the compatibility of adjacent developments, staff finds the current stepped approach serves as a compromise between these two considerations.

Staff looks forward to the Policy Committee's discussion of this topic and its feedback and input on next steps.

JR/TL/ap

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Attachments:

1. Initiating Resolution
2. Comparison of Density Calculation Methods