

MEMORANDUM

DATE: April 5, 2023

TO: The Planning Commission

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. 3.

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.

With the additional guidance, the Policy Committee met again on February 23, 2023, to discuss this item and make recommendations for the density calculations for the zoning districts listed below.

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. The following table summarizes the current calculation approach and the previous approach for each zoning district which permits residential development. 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, Multifamily 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 resulted in those districts using a stepped approach to calculate residential density. 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 as shown in the table below.

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 outcomes of each of the calculation methods has been included in Attachment No. 4. 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 area.

Additionally, regulations 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.

Policy Considerations

The 2045 Comprehensive Plan recommends density ranges based on *gross* acreage for the Low-Density Residential (LDR) and Moderate-Density Residential (MDR). The Mixed Use (MU) and Economic Opportunity (EO) - Mooretown Road/Hill Pleasant Farm Area designations have recommended density ranges based on *net* acreage.

The Land Use Chapter of the 2045 Comprehensive Plan states that residential growth is intended to occur inside the Primary Service Area (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. A reduction in the permitted densities of residential districts could reduce the residential capacity inside the PSA. With less residential 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 of growth in these areas could increase.

Reducing the permitted 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. Additionally, ongoing costs shared among owners such as association dues could be higher than they would otherwise have been, potentially further reducing affordability for owners.

The character of the community and compatibility of new development with adjacent neighborhoods is another consideration in the 2045 Comprehensive Plan. As shown in Attachment No. 4, the gross acreage calculation or alternative approaches could result in higher intensities of development inside the developable area of a parcel. This could cause nearby developments in the same zoning district to have considerably different characters in terms of unit types and lot sizes depending on the amount of developable area. With the net density calculation, the character of adjacent developments in the same zoning district would be more consistent.

Potential Ordinance Revisions

To meet the direction and guidance from the BOS, staff has drafted the following definition to be included in Section 24-2 so that it could 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 needed to implement the definition of net density in the district and the policy considerations for the districts. The full text of the proposed revisions is available in Attachment No. 1.

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. The Policy Committee did not recommend using a net density approach for these districts.

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. The Policy Committee did not recommend using a net density approach for this district.

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. 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. The Policy Committee recommended using a net density approach for these districts.

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. The Policy Committee recommended using a net density approach for these districts.

Recommendation

The Policy Committee recommended approval of the proposed changes to the Planning Commission for the following districts: R-1, Limited Residential, R-2, General Residential, R-3, Residential Redevelopment, R-4, Residential Planned Community, R-5, Multifamily Residential, PUD, Planned Unit Development, Districts, Residential Cluster Development Overlay District, MU, Mixed Use District, and EO, Economic Opportunity District.

The Policy Committee did not recommend approval of the proposed changes to the Planning Commission for the following districts: A-1, General Agricultural, R-8, Rural Residential, and R-6, Low-Density Residential District.

Should the Planning Commission recommend utilizing net density for one or more of the districts discussed above, staff has included draft language in Attachment No. 1.

JR/TL/ap

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Attachments:

1. Proposed Ordinance
2. Proposed Ordinance Clean Copy
3. Initiating Resolution
4. Comparison of Density Calculation Methods