

AGENDA

Joint Work Session of the King George County Board of Supervisors and King George County Planning Commission

Tuesday, September 26, 2023 at 6:00 p.m.

CALL TO ORDER

- Board of Supervisors – Chairman Granger
- Planning Commission – Chairman Moss

AMENDMENTS TO THE AGENDA

PUBLIC COMMENT

- Comments will be limited to three minutes per person, in order to afford everyone an opportunity to speak. If comments relate to a specific public hearing item, we ask that you offer those comments at the time of the public hearing.

PRESENTATION BY THE BERKLEY GROUP

- Project Progress
- Review of Comments & Ordinance Discussion
- Overview of Next Steps

ADJOURNMENT

- Board of Supervisors to Tuesday, October 3, 2023
- Planning Commission to Tuesday, October 10, 2023

Those interested in attending this meeting who may have a need for an interpreter or hearing assistance equipment due to a hearing impairment should please contact our office at 540-775-9181 (TDD 540-775-2049) by noon on the Friday before the meeting.

A final agenda with all supporting documentation will be available on the county's website at www.kinggeorgecountyva.gov.

Overview

King George County is updating, modernizing, and restructuring the zoning and subdivision ordinances into one seamless regulatory document. The revised zoning and subdivision ordinance will:

- Provide streamlined and user-friendly regulations;
- Incorporate best planning practices and current state code requirements;
- Address the goals and strategies identified in the Comprehensive Plan; and
- Consider citizen needs and issues identified through the public engagement process.

This process has been guided by County staff, the Planning Commission, and the Board of Supervisors, with opportunities for input from stakeholders and citizens.

Agenda

The September 26th meeting will be a joint meeting between the Board of Supervisors and the Planning Commission. The focus will be:

- Review remaining comments received on the Draft Ordinance
- Project next steps

The following agenda is provided as an outline for discussion:

1. **Project Progress** – 5 minutes
2. **Review of Comments Received & Ordinance Discussion** – 120 minutes
3. **Next Steps** – 5 minutes

Schedule & Progress to Date

The Zoning and Subdivision Ordinance has been completely drafted and is ready for review and refinement. Progress to date includes:

- **Staff Kickoff** – Held on July 14, 2021. The Berkley Group conducted a kickoff meeting with King George County staff to review the scope of work and deliverable items.
- **Joint BOS and PC Kickoff** – Held on September 15, 2021. During this meeting, the Berkley Group gave a presentation on the scope of work, schedule, and Zoning and Subdivision Ordinance diagnostic report.
- **Public Engagement** – Public engagement offered opportunities to collect community feedback on priorities for the ordinance update. An online public survey was conducted from October 1-31; public workshops were held on October 20 and October 26; and stakeholder interviews were conducted on October 26.

- **Planning Commission Worksession #1** – Held on November 30, 2021. The focus of this meeting was to discuss the overall public engagement summary and key findings, and to review the proposed structure of the revised ordinance.
- **Planning Commission Worksession #2** – Held on January 25, 2022. The focus of this meeting was to review and discuss drafts of Article I, In General, Article II, Administration, Article III, Permits and Applications, and Article IX, Nonconformities. Edits and revisions were discussed and sent back for additional PC review on March 1, 2022.
- **Planning Commission Worksession #3** – Held on March 29, 2022. The focus of this meeting was to review and discuss drafts of Article IV, Primary Zoning Districts and Article V, Overlay Zoning Districts (sans Military Overlay). Edits and revisions were discussed and sent back for additional PC review on May 2, 2022.
- **Planning Commission Worksession #4** – Held on May 31, 2022. The focus of this meeting was to review and discuss drafts of Article VI, Use Matrix and Article V, Division 5, Military Compatibility Overlay District. Edits and revisions were discussed and sent back for additional PC review on July 5, 2022.
- **Planning Commission Worksession #5** – Held on July 26, 2022. The focus of this meeting was to review and discuss drafts of Article VII, Use Performance Standards. A comment tracker was created and includes all comments from Planning Commission and staff, along with Berkley Group responses and recommended changes. The comment tracker was provided to staff on September 2, 2022, and Berkley Group has incorporated staff revisions.
- **Planning Commission Worksession #6** – Held on September 27, 2022. The focus of this meeting was to review and discuss the draft of Article VIII, Community Design Standards. A comment tracker was created and includes all comments from Planning Commission and staff, along with Berkley Group responses and recommended changes. The comment tracker was provided to staff on November 8, 2022, and Berkley Group has incorporated staff revisions.
- **Planning Commission Worksession #7** – Held on November 29, 2022. The focus of this meeting was to review and discuss the draft of Article X, Subdivision. A comment tracker was created and includes all comments from Planning Commission and staff, along with Berkley Group responses and recommended changes. The comment tracker was provided to staff on December 14, 2022, and Berkley Group has incorporated staff revisions.
- **Joint Worksession #8** – Held on January 24, 2023. The focus of this meeting was to review project status, highlight ordinance changes, and determine next steps.
- **Joint Worksession #9** – Held on April 25, 2023. The focus of this meeting was to review use standards and planning best practices for utility-scale solar facilities, data centers, and industrial noise.
- **Joint Worksession #10** – Held on May 30, 2023. The focus of this meeting was to review use standards and planning best practices for battery energy storage systems and power plants.

- **Public Open House** – Held on July 27, 2023. The Berkley Group presented the draft ordinance to the public for feedback and additional revisions prior to adoption. An exit survey seeking feedback was available to the public from July 27 – August 6. Comments submitted by the public, Planning Commission, and Board of Supervisors were entered into a comment tracker for discussion at the Pre-Adoption Worksessions to be held August 29 and September 26, 2023.
- **Joint Worksession #11** – Held on August 26, 2023. The focus of this meeting was to review public response to the draft ordinance. A comment tracker was created, with key topics highlighted for discussion to confirm consensus on revisions or to retain language.

Review of Comments Received

See Attachment A for a list of all public comments received during the open house and in the exit survey as well as comments from Board of Supervisors, Planning Commission, and staff. The comments supplied in the comment tracker are grouped by commenting body and then organized by topic/location in the ordinance. All comments include a response by the Berkley Group. For ease of discussion, comments are sorted as shown below.

Discussion Items

Items shaded gray on the comment tracker are selected for discussion at this worksession. These items reflect new discussion items or items from the August 29 worksession that need additional input.

New Discussion Items		
Line	Topic	Section
33, 142, 151	Home Occupations <i>Clarity needed on previous direction, re: Loudoun County provisions for trip generation</i>	Table VI-1 7-3-9 7-3-10
55-56, 154	Battery Energy Storage Facilities <i>Awaiting feedback from Fire Chief on proposed revisions</i>	7-6-1
137	Posting Notice on Property	3-10-3(A)(6)
143	Use Matrix, Kennels	Table VI-1
144-146	Use Permissions: Manufactured/Modular Home Sales Nursing Home Parking Lot, Commercial	Table VI-1
152	Campground	7-4-1(A)
164	Parking Design Standards in the RPA	8-5-7
175, 177	KGSA Approval for Subdivisions	10-2-4(C)(6) 10-3-10(A)
196	Complete Applications	1-4-4(B) 1-4-4(C) 1-4-4(D)

County Attorney/Staff Review

Items shaded blue on the comment tracker are items requiring additional review by the County Attorney or Planning/Zoning staff. Items from this list can be added by the Board or Planning Commission for discussion/direction, but are not pre-selected for discussion.

County Attorney/Staff Review Needed		
Line	Topic	Section
5	ROW Dedication Requirements	3-6-7(D)(1)
58	Data Centers	7-6-5 Table VI-1 Definition
88	Suitability of Land	10-3-1
96	Streets	10-3-8(G)(2)
104	Minor/Single Lot/Family Subdivision Final Plat Requirements	10-7-2(B)
105-109	Major Subdivision Final Plat Requirements	10-7-3
113-115	Construction Plans	10-8-2(B) 10-8-3(B) 10-8-3(C)
131	Ordinance Conflicts and Interpretations	1-2-1(A)(6) 1-2-1(A)(7) Article III, Division 9
165, 169-172	Signs	Article VIII, Division 6
181	Subdivision Bond Release	10-4-4(A)
182	Abandoned Vessel/Dock/Debris Ordinance	N/A

Housekeeping Revisions

Items shaded green on the comment tracker are minor revisions provided as corrections and clarity, and do not reflect substantive changes. Items from this list can be added by the Board or Planning Commission for discussion/direction, but are not pre-selected for discussion.

Housekeeping Revisions		
Line	Topic	Section
4	Proffer Amendments	3-3-3(A)
6	Site Plan Amendments	3-6-9(B)(1) 3-6-9(B)(2)
9	Steep Slopes	4-2-5(B) 4-2-5(C)
10	Structures in Required Setbacks	4-3-1(A)
13	BZA Appeals	5-2-10
14	Water Quality Impact Assessment Submittal Requirements	5-2-7(F)(1)
43	Outdoor Sales, Seasonal	7-5-10(B)
46	Recreation/Entertainment, Commercial Outdoor	7-5-13(D)(2)

Housekeeping Revisions		
Line	Topic	Section
49	Vehicle Sales/Service	7-5-15(B) 7-5-15(C)
90	Subdivision Roads	10-3-6
93	Streets (add missing code reference)	10-3-8(A)(1)(i)
97	Private Streets	10-3-8(H)(2)(i)
100	HOAs	10-3-14
110	Submission of Final Plats	10-7-4(B)
111	Review of Final Plats	10-7-5(A)(5)
135	Performance Bond	3-6-7(C)(4)
136	Zoning Determinations	3-8-1 3-8-2
159	Lighting	8-2-3(E)
183	Density - Acre vs. Gross Acre	4-5-2 Table IV-4
184	Traffic Impact Analysis for Site Plans	5-4-5(D)
185	Agritourism	7-2-4
186	Short-Term Rentals	7-3-12(A)(4)
188	Dwelling, Multi-Family	7-3-5(A)
189	EV Charging Stations	7-5-4
191	Family Subdivisions – Driveways	10-2-4(5)
193	Access Requirements	10-3-6(C) 10-3-8(H)(2)
194	CBPA Plat Note	10-7-2(B)(21)(iii)(a)
197	Access Points for Major Subdivisions	10-3-6(B) Table X-1

No Revisions Recommended

Items without shading on the comment tracker received comments, but do not necessarily warrant further revisions due to previous direction received, misinterpretation of the text, etc. Items from this list can be added by the Board or Planning Commission for discussion/direction, but are not pre-selected for discussion.

No Revisions Recommended		
Line	Topic	Berkley Group Response
1, 7, 62, 94	<ul style="list-style-type: none"> • Wetlands Ordinance • Posting Notice on Property • Outdoor Furnaces • Streets, T-Shaped Turnarounds 	Provisions carried over from current ordinance.
2, 12, 99, 112, 119-125	<ul style="list-style-type: none"> • BZA Appointments • I District Height Regulations • Utilities • Construction Plans 	These items were drafted/revised based on feedback received from staff/PC/BOS.

No Revisions Recommended		
Line	Topic	Berkley Group Response
	<ul style="list-style-type: none"> • Industrial Use Permissions and Standards • Violation & Enforcement 	
3	Enforcement	Due to the variety of violations that will be enforced under this Division, the ZA should assess and require time limits on a case-by-case basis.
8	Setback Measurements	Procedure, not an ordinance requirement.
11	Industrial & Agricultural Setbacks	Comment noted – no revision recommended.
15	Traffic Impact Analysis for Site Plans	These site plans are submitted for developments within the Highway Corridor Overlay and are important to demonstrate adequate ingress and egress.
16	Use Not Provided	Uses have broad names and broad definitions to aid in acceptance of future uses and Zoning Administrator determinations. Not all uses will fit and it is not recommended that they be allowed to apply as a Special Exception in any district.
17	Zoning Map; Permitted Uses	This update does not include map amendments.
29	Agriculture, Residential	This section applies only to "Agriculture, Residential" uses in R-1 and R-2 districts. Therefore, a farm in A-1, A-2, or A-3 would not be subject to the same limitations.
30	Biosolid Application	Chapter 13 pertains to solid waste disposal and landfills. Section 7-2-5 pertains to the land application of biosolids.
31-32	Dwelling, Multi-Family	Text as proposed is included for clarity.
34-37	Campgrounds, RV Parks	These provisions provide general standards for safety, health, and welfare, and to help during instances of complaint.
38	Shelter, Animal	This item is there to help during instances of complaint.
42	Adult Use	This use would be subject to Industrial District screening requirements per Article VIII. Additional screening to mitigate impacts can be required through the SE process.
44	Parking Lot, Commercial	This section and the associated definition applies to paid parking lots/garages that generate commercial profit.
45	Recreation/Entertainment, Commercial Outdoor	This provision pertains to the ongoing maintenance of grass parking areas, while Chapter 6 Erosion & Sediment Control pertains to erosion mitigation during site development.
47	Recreation/Entertainment, Commercial Outdoor	Not all rec/entertainment businesses will have the same liability needs.
48, 153	Restaurant, Mobile	This is a use that can be regulated through zoning.
52	Event Venue	As written, Event Venues must comply with all provisions in Section 10-8 of the County Code (such as measurement and enforcement), and additionally have a specific, intentional restriction to limit Event Venue noise between 10 p.m. and 8 a.m.
53	Gas Station - Traffic Analysis	The intent during drafting was to allow flexibility.
54	Kennel, Commercial	This item is there to help during instances of complaint.

No Revisions Recommended		
Line	Topic	Berkley Group Response
70	Parking Requirements	Addressed in 8-5-8(l), which provides that requirements for a use not specifically listed in the chart shall be the same as a use of similar characteristics of parking demand generation. No revisions recommended.
84-87	Family Subdivision Roads/Private Streets	Family subdivisions are already exempted per Section 10-3-8(H)(1)
91	Access	This text establishes easements and rights-of-way would be established as needed during future development.
92	Access	It is not recommended to reduce minimum accesses.
98	Private Streets	The standards from the American Association of State Highway and Transportation Officials may differ from these standards.
101	HOAs	This text ensures the creation of a HOA and incorporates state code 15.2-2256.
102	Separate Ownership	This text only addresses conveyance when land is being subdivided.
103	Review of the Preliminary Plat	This text follows state code 15.2-2260(F).
126-130	General Comments	All comments noted.
132	Nonconformities	"Immediately prior" will mean any date prior to the date of ordinance adoption.
133	Vested Rights	This text aligns with state code.
134	Appointment, Powers, and Duties	The Board may decide as a matter of policy and does not have to appoint to other offices.
138	Parapet Walls	This is a common exemption. Parapet walls are often used to screen elements that are unsightly and typically are low enough to be reached with fire equipment.
139	Corner Lot Setbacks	This text is streamlined here but explained further in (C)(2).
147	Livestock and Beekeeping	<ul style="list-style-type: none"> • 7-2-1(B) refers to agriculturally zoned lots that are part of Major Subdivisions only • 7-2-3(B) refers to beekeeping in residential districts
148	Accessory Dwelling vs. Structure	Accessory dwellings and accessory structures are distinct. 1 ADU does not limit accessory sheds.
150	Home Occupations – Daycares	Day cares are a separate use from home occupations
158	Lighting	No revisions recommended to Use Matrix for lighting.
160-162	Tree and Plant Standards	Provisions retained from current ordinance and/or reflect best practice.
163	Transitional Buffers	Transitional buffers help with the change from one type of use to another. This references when these districts are adjacent to one another and so uses are similar. There are other landscaping requirements for commercial and industrial uses. These are minimal due to concern with burdening business owners.
166-168	Signs	<ul style="list-style-type: none"> • All sign regulations are to address beautification (clutter, size, etc.) and safety (distraction of drivers). • Offsite signs are regulated in 8-6-6(A). • Popsicle signs would be treated the same as other small or temporary signs.
173	Family Subdivisions	Comment noted.

No Revisions Recommended		
Line	Topic	Berkley Group Response
174	Family Subdivisions, Subdivision Agent	See Section 2-1-1(F) and definition of Subdivision Agent (Agent) in Article XI.
176	Suitability of Land	Comment noted.
180	Subdivision Bond	This text means that the construction has not occurred yet.
198	Subdivisions in Commercial and Industrial Districts	Text as proposed streamlines review process and is typical of commercial/industrial subdivision processes.

Previous Discussion Items

Items shaded in orange on the comment tracker were previously discussed and received direction for revisions, as noted on the comment tracker. These items can be added by the Board or Planning Commission for discussion/direction, but are not pre-selected for discussion.

Next Steps

This is the second of two joint worksessions for refining the proposed ordinance. The scope includes the following next steps:

- October – Incorporation of edits as discussed at the worksessions
- November & December – Public Hearings with Planning Commission and then Board of Supervisors

King George Zoning & Subdivision Ordinance - Open House Draft | Comments

#	Topic	Section	Comments Received August 2023	Berkley Group Response August 29, 2023	King George County Direction/Response August 29, 2023 meeting	Berkley Group Response September 26, 2023
Public Comments						
1	Wetlands Ordinance	1-1-2(A)(1) 1-1-2(A)(6) 1-1-2(A)(9)	These provisions appear to be written for another jurisdiction.	These regulations are provided in Articles 13 and 15, respectively, of the existing Ordinance. They are proposed to be removed from the Zoning Ordinance and placed as a separate ordinance within the King George County Code. These regulations have been minorly updated for readability, reorganization, and updated references to Code of Virginia. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
2	BZA Appointments	2-3-1(A)(1)	State Code Sec. 15.2-2308 allows the Governing Body to request the Circuit Court to appoint up to three alternate members [in addition to the 7 main members]. This is advisable to avoid meeting cancellations due to a quorum not being present.	Comment noted and can be revised upon direction from the PC/BOS. Previous direction was to appoint seven BZA members without alternates. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
3	Enforcement	2-4-2 2-4-3	General violations language should match language regarding noise violations. The corrective time limits should be provided.	Comment noted; 2-4-3(C)(4) requires the ZA to provide a reasonable time period to correct the violation. Due to the variety of violations that will be enforced under this Division, the ZA should assess and require time limits on a case-by-case basis. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
4	Proffer Amendments	3-3-3(A)	State Code Sec. 15.2-2302(B) allows proffer amendments that "...do not affect conditions of use or density, a local governing body may waive the requirements for a public hearing...". Adoption of this provision should be considered for the convenience of the County and the property owner. Examples would include changes to the site layout or building architecture.	Comment noted; 3-3-3(A)(1) states "Do not materially affect..." This is intended to capture that provision of state code. Recommend revising to state: <i>Do not materially affect (i.e., use or density) the overall proposal...</i>	N/A	See BG's 8/29 response for recommended revisions.
5	ROW Dedication Requirements	3-6-7(D)(1)	This code provision constitutes a taking of private property for a public use involving as a condition of approval of a by-right use. Right of way dedication should only be involved as a proffered condition with a rezoning.	Comment noted and can be revised upon direction from the PC/BOS. This provision was carried over from the original ordinance. Recommend County Attorney review.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.
6	Site Plan Amendments	3-6-9(B)(1) 3-6-9(B)(2)	Sub-paragraph 2 should be modified to refer to approved concept plans proffered with a rezoning or conditioned as part of a special exception would need to go back through the appropriate rezoning or special exception process. Making a major change to a site plan for by-right development is not a zoning change that constitutes a public hearing process.	Comment noted; 3-6-9(B)(2) references Concept Plans, which are part of the rezoning and Special Exception process. Recommend revising text to clarify Concept Plans <u>approved as part of a rezoning or Special Exception permit</u> .	N/A	See BG's 8/29 response for recommended revisions.
7	Posting Notice on Property	3-10-3(A)(4)	This requirement is onerous. Recommend that the County provide the signs. The design of the signs should be able to be mounted on to metal wire frame similar to temporary signs commonly seen along roadsides and used by other jurisdictions.	Comment noted and can be revised upon direction from the PC/BOS. This provision was carried over from the original ordinance. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
8	Setback Measurements	4-2-4(C)(1)	Recommend when the Zoning Administrator makes a setback decision that it be annotated on the approved site plan for a building permit. This will provide information to future property owners and subsequent County reviewers.	Comment noted. Noting ZA determinations on the cover sheet would be a procedure and not an ordinance requirement. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
9	Steep Slopes	4-2-5(B) 4-2-5(C)	This definition does not explain to the public or the Zoning Administrator how this is measured. Is the measurement taken over 1 foot, 100 feet or 1,000 feet? Walk out basements are typically found on slopes steeper than 15%. VDOT will allow up to 50% (2:1) slopes for cut embankments. Recommend setting a measurement distance and a graphic describing how a slope is calculated if 15% is to be retained.	Comment noted; the definition of steep slope provides additional clarification and comes from the County Comprehensive Plan. Recommend further clarification be added to 4-2-5, such as: <i>For purposes of this Section, slope is calculated as a percentage as follows: vertical rise is divided by horizontal run, and then the resulting decimal is multiplied by 100. For purposes of this Section, run is defined as the shortest horizontal distance between the first and third of three consecutive two foot (2') vertical contour intervals (unless a different representation that is equally effective is approved by the Zoning Administrator). It is not necessary that the run be contained entirely on the property of the applicant or developer if the steep slope at issue extends onto an adjacent property.</i>	N/A	See BG's 8/29 response for recommended revisions.
10	Structures in Required Setbacks	4-3-1(A)	This section does not cover above or below ground stairs. Recommend that stairs be included in (A)(3).	Recommend revising 4-3-1(A)(3) to include exterior stairs.	N/A	See BG's 8/29 response for recommended revisions.
11	Industrial & Agricultural Setbacks	4-4-1 4-7-1	Increase setbacks between industrial and agricultural zoning that is next to residential zoning.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
12	District Height Regulations	4-7-1 Table IV-6	Stipulates that the maximum height of the principal structure is 35 feet with a footnote that buildings may erected up to 50 feet high provided that all setbacks are increased 1 foot for each foot in height over 35 feet. This would prevent the construction of multi-story data center buildings since data centers typically have a ceiling height of approximately 30 feet.	Comment noted and can be revised upon direction from the PC/BOS. BG originally recommended allowing additional height case-by-case through the SE process. The PC/BOS direction stipulated that data centers should be subject to the underlying district height limits (without an option for additional height through the SE process) due to fire safety considerations. No revisions	N/A	See BG's 8/29 response - no revisions recommended.
13	BZA Appeals	5-2-10	The BZA does not approve or deny plans. They would either uphold or overturn the Administrator's decision.	Comment noted; Recommend revising 5-2-10 last sentence to read: <i>If the BZA finds that the applicant's plan does not meet the above stated criteria, they shall uphold the decision of the Administrator.</i>	N/A	See BG's 8/29 response for recommended revisions.
14	Water Quality Impact Assessment Submittal Requirements	5-2-7(F)(1)	This seems to preclude the option of making an electronic submission. Recommend requiring 5 paper copies or one electronic copy in a format acceptable to the Administrator. Electronic copies can save the County time by not needing to scan the documents and save file storage space.	Comment noted; recommend adding text to 5-2-7(F)(1) to allow paper copies and electronic submission as deemed acceptable by the Administrator.	N/A	See BG's 8/29 response for recommended revisions.
15	Traffic Impact Analysis for Site Plans	5-4-5(D)	It is not clear as to the purpose of requiring a traffic study for a site plan. The County cannot require any off-site improvements based on the recommendation of the traffic study. This would be an unnecessary cost to the developer.	Comment noted. These site plans are submitted for developments within the Highway Corridor Overlay and are important to demonstrate adequate ingress and egress. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
16	Use Not Provided	6-2-1	This code section seems a bit short sighted. As technology and business models change, there will likely be proposed uses that are not contemplated in the current list of defined uses. The Zoning Administrator would be either pressed to make the proposed use fit into a current definition or the proponent would be resigned to petition the Board of Supervisors for a zoning text amendment. This would be unproductive if the County wants the proposed use, but the nature and extent of the use may best lend itself to one or two locations in the County. Recommend that Uses not provided in the zoning ordinance be permitted by Special Exception. A great example would be a theme park. The County might want one for tax revenue purposes but, it is not a defined use. The Zoning Administrator may have a difficult time finding a theme park to fit into the definition of active recreation.	Comment noted. Uses have broad names and broad definitions to aid in acceptance of future uses and Zoning Administrator determinations. Not all uses will fit and it is not recommended that they be allowed to apply as a Special Exception in any district. Uses that are not provided should be carefully considered to be placed in the appropriate district(s) and a definition added as well as use standards if applicable. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
17	Zoning Map; Permitted Uses	Table VI-1	Some A-1 areas along Route 3 should be zoned A-2 or A-3. C-1 and C-2 areas around the base should address base needs and plan for future uses.	Comment noted. This update does not include map amendments. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
18	Dwelling, Accessory	Table VI-1 7-3-2	<ul style="list-style-type: none"> Questions regarding attached vs. detached ADUs and whether they are by-right or SE in residential and ag districts. The proposed ordinance only allows attached accessory dwellings in R-1, R-2, and R-3, and only detached accessory dwellings in A-1 and A-2. Accessory dwellings are restricted from being used as Airbnbs (not allowed to be offered, leased, or rented for less than 30 days) - there is no benefit to this. A provision from the original ordinance was removed that allowed for two principal structures on all agriculture and residential lots. Allowing only agriculture lots and not residential lots the ability for detached dwellings in the new ordinance essentially strips owners of residential lots of a right they already had. 	Comment noted. These restrictions were requested by the Planning Commission and can be revised upon PC/BOS direction. No revisions recommended.	Keep permissions as drafted. Define attached and detached accessory dwellings. Definition of attached should clarify sharing a wall or connected by breezeway not longer than 15 feet.	Revise as directed.
19	Recreation Facility, Non-Commercial	Table VI-1	The use Recreational Facility, Non-Commercial should be allowed by SE in the C-1 and C-2 districts. This would support rail-to-trail projects.	Recommend revising Table VI-1 to allow <i>Recreational Facility, Non-Commercial</i> by Special Exception in C-1 and C-2 districts. Additionally, it may be added as SE in industrial districts as well, if desired.	Add as SE in all districts.	Revise as directed.

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#	Topic	Section	Comments Received August 2023	Berkley Group Response August 29, 2023	King George County Direction/Response August 29, 2023 meeting	Berkley Group Response September 26, 2023
20	Industrial Use Permissions	Table VI-1	These uses need to be by special exception not By-Right.	Comment noted. Following direction from the PC/BOS at the April and May 2023 work sessions, data centers, battery energy storage facilities, electricity generation facilities, and utility-scale solar are permitted by Special Exception only.	Discussed previously during the April and May 2023 worksessions.	Revise as directed during the April and May 2023 worksessions.
21	Industrial Use Permissions	Table VI-1	Please keep all these uses as special exception, and not by right.			
22	Industrial Use Permissions	Table VI-1	Must be by special exception.			
23	Industrial Use Permissions	Table VI-1	Please keep all these uses as by special exception not By-Right.			
24	Data Center Permissions	Table VI-1	Need to keep data centers in special exception.			
25	Industrial Use Permissions	Table VI-1	I'm glad to see the noise limits set to 60 dBA during the day and 55 dBA at night. I would like to see data centers, battery storage, and utility scale solar facilities by Special Exception only.			
26	Industrial Use Permissions	Table VI-1	Businesses should be required to get permission by special exception not to be able to do whatever they want by-right.			
27	Industrial Use Permissions	Table VI-1	Please keep all uses as by special exception, NOT as by-right.			
28	Industrial Use Permissions	Table VI-1	Like that new industrial uses are by SE.			
29	Agriculture, Residential	7-2-3	This section should have provisions regarding applicability. As currently written, a one-hundred-acre farm zoned Agriculture would be limited to six chickens with no roosters.	This section applies only to "Agriculture, Residential" uses in R-1 and R-2 districts. Therefore a farm in A-1, A-2, or A-3 would not be subject to a limitation of six chickens.	N/A	See BG's 8/29 response - no revisions recommended.
30	Biosolid Application	7-2-5	Recommend moving the entire code section out of the zoning ordinance. It should be located within Chapter 13, Solid Waste. Placing it in the zoning ordinance is problematic from an enforcement standpoint. Once applied, it would be very difficult for the property owner to remove the biosolids to abate the violation. Chapter 13 – Solid Waste already defines sludge and sludge is included in the definition of solid waste.	Chapter 13 pertains to solid waste disposal and landfills. Section 7-2-5 pertains to the land application of biosolids. The application of biosolids typically has a state inspector that coordinates with the Zoning Office.	N/A	See BG's 8/29 response - no revisions recommended.
31	Dwelling, Multi-Family	7-3-5(A)	This provision is redundant and should be removed.	Comment noted. Text is included for clarity. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
32	Dwelling, Multi-Family	7-3-5(E)	This provision is very vague and is difficult to design as well as difficult to enforce. It should be removed.	Comment noted. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
33	Home Occupations	7-3-9 7-3-10	Some home based occupations occur on an adjacent lot and not on the parcel of the primary residence. Adjacent parcels under the same ownership should be allowed in the use standards.	Comment noted. The intent for home occupation B is to be of lesser intensity than a traditional commercial setting and retain the character of the surrounding neighborhood or area. Home occupation C may be more intense and does contain standards for screening. Recommend revising 7-3-10 (A) to allow use of an adjacent parcel under the same ownership as the primary dwelling. Related comments: Lines 142, 151	1) Class C - Clarify that adjacent lot must have the same zoning as the owner's lot to be used as part of the home occupation. 2) Class A, B, C - Amend Hours of Operation to state "Hours of operation shall be limited to six days per week, 8:00 a.m. to 8:00 p.m." 3) Class B - allow as a by right use in A-1 and A-2. 4) Class A, B, C - Remove language specifying vehicle trips per day and model on Loudoun County's home occupation regulations.	Revise as directed for bullets 1-3. Vehicle trips per day: After reviewing Loudoun County's current and proposed Zoning Ordinances, both versions include a limit of 10 vehicle trips (or 5 roundtrip trips per day). Ref. Section 5-400 of current ordinance, or 3.03.E of proposed ordinance. The related language currently proposed by Berkley Group is: <u>Class A - Section 7-3-8</u> (B)(2) - Customers may come to the site by appointment only. (B)(2)(i) - No more than 5 customers daily and 2 at a time. (D)(6) - The type of traffic generated by the home occupation shall be consistent with the type of traffic of other dwellings in the area. <u>Class B - Section 7-3-9</u> (B)(2) - No more than 10 customers may be on the property at any one time. (D)(6) - The type of traffic generated by the home occupation shall be consistent with the type of traffic of other dwellings in the area. <u>Class C - Section 7-3-10</u> Traffic generation is not specified.
34	Campgrounds	7-4-1(H) 7-4-1(I)	These provisions are very subjective and will be difficult to enforce.	Comment noted. These provisions provide general standards for safety, health, and welfare, and to help during instances of complaint. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
35	Campgrounds	7-4-1(J)	This is better suited to be in Chapter 6.5 – Fire Prevention, and Protection and in part is covered in Chapter 13 – Solid Waste	Comment noted. These provisions are intended to mitigate the land use impacts generated by a Campground. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
36	Camp, RV Park	7-4-2(I)(2) 7-4-2(M) 7-4-2(N)	These standards are subjective and will be difficult to enforce.	Comment noted. These provisions are intended to mitigate the land use impacts generated by a RV Park. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
37	Camp, RV Park	7-4-2(O)	This is better suited to be in Chapter 6.5 – Fire Prevention and Protection and in part is covered in Chapter 13 – Solid Waste.	Comment noted. This provision is intended to mitigate the land use impacts generated by a RV Park. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
38	Shelter, Animal	7-4-4(C)(2)	This is a subjective standard and would be difficult to enforce.	Comment noted. This item is there to help during instances of complaint. No revisions	N/A	See BG's 8/29 response - no revisions recommended.
39	Telecommunications Facility	7-4-5(K)(6)	This appears to be in violation of State Code Sec. 15.2-2316.4.8 since such an agreement is an application requirement. If the application does not contain an agreement, it would be incomplete and therefore denied.	The County Attorney has also submitted revisions related to state code requirements for telecommunications facilities; this section will be revised accordingly.	N/A	See BG's 8/29 response - Will incorporate revisions received from the County Attorney.
40	Telecommunications Facility	7-4-5(O)	This appears to be in violation of State Code Sec. 15.2-2316.4.2.4.	The County Attorney has also submitted revisions related to state code requirements for telecommunications facilities; this section will be revised accordingly.	N/A	See BG's 8/29 response - Will incorporate revisions received from the County Attorney.
41	Telecommunications Facility	7-4-5(P)	This appears to be in violation of State Code Sec. 15.2-2316.4.2.4.	The County Attorney has also submitted revisions related to state code requirements for telecommunications facilities; this section will be revised accordingly.	N/A	See BG's 8/29 response - Will incorporate revisions received from the County Attorney.
42	Adult Use	7-5-1	This code section does not list any screening standards, only distance standards.	This use would be subject to Industrial District screening requirements per Article VIII. Additional screening to mitigate impacts can be required through the SE process.	N/A	See BG's 8/29 response - no revisions recommended.
43	Outdoor Sales, Seasonal	7-5-10(B)	The definition of "outdoor sales, seasonal" does not include the term "stand". Recommend that no permit for seasonal outdoor sales shall exceed sixty (60) days in duration.	Comment noted; roadside farm stands are defined and regulated separately. Language can be revised for consistency with definition. 7-5-10(B) currently includes a 60 day limitation.	N/A	See BG's 8/29 response for recommended revisions.
44	Parking Lot, Commercial	7-5-11	It is not clear if this section was intended only for passenger vehicles or could allow commercial vehicles. The definition also does not specify what types of vehicles are allowed to park at the use. Recommend that the type of vehicles permitted be specified since a recreational vehicle storage lot is separate use and has its own standards. If commercial vehicle parking is to be excluded from commercial parking lots, recommend adding a definition and standards for a commercial vehicle parking lot.	This section and the associated definition applies to paid parking lots/garages that generate commercial profit. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.

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45	Recreation/Entertainment, Commercial Outdoor	7-5-13(C)(6)	This is a subjective standard. Enforcement of erosion violations is subject to Chapter 6 of the County Code. Recommend eliminating to avoid code conflicts.	This provision pertains to the ongoing maintenance of grass parking areas, while Chapter 6 Erosion & Sediment Control pertains to erosion mitigation during site development. This does not conflict. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
46	Recreation/Entertainment, Commercial Outdoor	7-5-13(D)(2)	What will be the administrative process to be followed by the Board of Supervisors? Will the Board be granting a waiver or exception? Does this involve a public hearing?	Comment noted. Recommend revising text of 7-5-13 (D) (2)(i)(a) to read: <i>Where a Special Exception permit is required, the height of the screen may be lowered by the Board of Supervisors...</i>	N/A	See BG's 8/29 response for recommended revisions.
47	Recreation/Entertainment, Commercial Outdoor	7-5-13(E)	This is very vague. Determining what is an adequate level of liability insurance will be difficult. If this is to be required, recommend setting a minimum dollar value per occurrence.	Comment noted. Not all rec/entertainment businesses will have the same liability needs. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
48	Restaurant, Mobile	7-5-14	This entire section should be deleted. Mobile restaurants are not a use. They are the use of a vehicle and are regulated by the Virginia Department of Motor Vehicles and the Virginia Department of Health. Mobile restaurant vehicles are prohibited from being connected to permanent utilities because they are motor vehicles rather than a building. If it is to be regulated, the standards should be applicable to the parking provisions in Article VIII, Division V. It is very difficult to enforce zoning regulations on a mobile vehicle that can change its location daily.	Comment noted. This is a use that can be regulated through zoning. King George should consider enforceability of all regulations. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
49	Vehicle Sales/Service	7-5-15(B) 7-5-15(C)	Please clarify if the location of parking for display vehicles is restricted to the sides and rear of the building Sec.7-5-15 (B)(2).	Comment noted. Recommend revising 7-5-15(B)(2) to clarify: <i>All parking not related to vehicle sales display shall be located on the side or rear of the establishment.</i>	N/A	See BG's 8/29 response for recommended revisions.
50	EV Charging Station	7-5-4(4)	This provision is unclear regarding the curb. Is curb required to be installed at all EV parking spaces? The graphic appears to show a wheel stop in front of the vehicle. It is unclear as to the purpose of the curb.	The County Attorney has also submitted revisions related to EV charging stations; this section will be revised accordingly.	N/A	See BG's 8/29 response - Will incorporate revisions received from the County Attorney.
51	EV Charging Station	7-5-4(6)	This provision is subjective with regards to aesthetic upkeep and may be difficult to enforce.	The County Attorney has also submitted revisions related to EV charging stations; this section will be revised accordingly.	N/A	See BG's 8/29 response - Will incorporate revisions received from the County Attorney.
52	Event Venue	7-5-6(D) 7-5-6(D)(1)	Recommend deleting (D) and replacing it with (1). The County Code has different standards. Potential code conflicts should be avoided.	Comment noted. As written, Event Venues must comply with all provisions in Section 10-8 of the County Code (such as measurement and enforcement), and additionally have a specific, intentional restriction to limit Event Venue noise between 10 p.m. and 8 a.m. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
53	Gas Station - Traffic Analysis	7-5-7(D)(4)	This is very vague and subjective. Recommend deleting or providing more detail under what circumstances the analysis would be required and how it should be prepared.	Comment noted. The intent during drafting was to allow flexibility. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
54	Kennel, Commercial	7-5-8(C)(2)	This is a subjective standard and will be difficult to enforce.	Comment noted. This item is there to help during instances of complaint. No revisions	N/A	See BG's 8/29 response - no revisions recommended.
55	Battery Energy Storage Facilities	7-6-1	For BESS: 1. Fire Detection Draft Ordinance [Section 7-6-1(I)(1)]: "Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in." Open Road: Depending on what is meant by "individual battery" this technology may not exist. Individual battery cells are not sold with fire detection/extinguishing technology. This could be essentially a ban on BESS. 2. Fence & Permit Revocation Draft Ordinance [Section 7-6-1(K)]: "Failure to maintain the security fencing shall result in revocation of the Zoning Permit and the facility's decommissioning." Open Road: We have already commented on this (see attached; bottom of next-to-last page). This could make any BESS un-financeable. There must be some notice and cure opportunity. This suggests a permit for a \$100m facility could be revoked immediately upon the "failure to maintain" a part of the fence.	1) This provision is intended to ensure that fire detection systems are installed that can precisely locate dangerous battery malfunctions and fires. If the technology is not literally installed on individual batteries, the intent is still to have individual batteries tied to fire detection and extinguishing systems, so that fire safety is routinely monitored and systems installed to suppress fire. Recommended clarification: <i>All individual batteries shall be connected to a 24/7 automated fire detection and extinguishing system, consistent with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, to detect the precise location of a malfunctioning battery and suppress fire events.</i> 2) Revise Section 7-6-1(K)(4) to state: <i>Failure to maintain the security fencing shall result in the revocation of the Zoning Permit following notice of violation and enforcement as provided in Article II, Division 4 of this Ordinance.</i>	Would like to hear from Fire Chief for recommendations on Battery Storage changes. Would like to text to state "consistent with but not limited to the standards of NFPA 855". Consensus to revise 7-6-1(K)(4) as proposed.	<ul style="list-style-type: none"> Revise text to state "...consistent with but not limited to the standards of NFPA 855..." as directed, pending additional comments from the Fire Chief. Incorporate additional revisions as directed by Fire Chief, to be determined. Revise 7-6-1(K)(4) as directed.
56	Battery Energy Storage Facilities	7-6-1(I)(1)	For BESS (Battery storage) projects, Section 7-6-1 (I)(1) states "Each individual battery shall have automated fire dection." This is not possible because the technology doesn't exist.	This provision is intended to ensure that fire detection systems are installed that can precisely locate dangerous battery malfunctions and fires. If the technology is not literally installed on individual batteries, the intent is still to have individual batteries tied to fire detection and extinguishing systems, so that fire safety is routinely monitored and systems installed to suppress fire. Recommended clarification: <i>All individual batteries shall be connected to a 24/7 automated fire detection and extinguishing system, consistent with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, to detect the precise location of a malfunctioning battery and</i>		
57	Battery Energy Storage Facilities	7-6-1(K)(4)	For BESS (Battery storage) projects, for fence and permit revocation there must be a "cure period" to correct issues.	Revise Section 7-6-1(K)(4) to state: <i>Failure to maintain the security fencing shall result in the revocation of the Zoning Permit following notice of violation and enforcement as provided in Article II, Division 4 of this Ordinance.</i>	Agree with recommendation to reference Article 2, Division 4.	Revise 7-6-1(K)(4) as directed.
58	Data Centers	7-6-5 Table VI-1 Definition	Use and all associated standards need to cover both singular and plural (Data Center vs. Data Centers).	Comment noted. Recommend County Attorney review to determine if clarification is needed.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.
59	Data Centers	7-6-5	I would appreciate having more space between where the residents properties end and these data centers begin. Larger setbacks and larger and deeper buffers from residential properties and homes.			
60	Data Centers	7-6-5	Please, I am requesting setbacks and buffers to be as far back as possible. I ask this so that King George doesn't lose its great appeal of beautiful, rich, farmland, trees, and a sky full of stars at night. I moved here from Baltimore City, with the option of moving to downtown Washington, DC. My husband and I chose King George in 2021 because it offered our children the opportunity to grow up somewhere safe, without sound or noise pollution, and surrounded by nature and agriculture. That's why we moved here and now I just don't know if King George is a place we want to call home anymore. Not if our views, sound levels, and peace are going to change. My home is directly effected by this rezoning, on Fletchers Chapel Rd.	Comment noted. The transitional buffer requirements for data centers were increased following the April 2023 work session.	Discussed previously during the April 2023 worksession.	Revise as directed during the April 2023 worksession.
61	Data Centers	7-6-5	Honestly no King George residents want a huge group of data centers droning away across the street from them so no I am not overall happy about this especially since I have to put up with the massive dump smell across the street already. I think the County should give way more consideration to the quality of life the residents who live here have than big corporations who are here just to make a buck.			
62	Outdoor Furnaces	7-7-6	Consider relocating these provisions to Chapter 6.5, Fire Prevention and Protection, of the County Code.	Comment noted. This text is in the current Zoning Ordinance and is carried over and established as a use to accommodate previous text. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.

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63	Utility-Scale Solar	7-7-10	Utility solar should be a special exception but the parameters of the project (i.e., max acreage) should not be arbitrarily specified. The projects should be accessed based on how they meet the County's objectives. Additionally, clarity in text is needed to define if measures apply to a lot versus the project area.	Comment noted. Previous direction removed 65% lot coverage requirement, but did not provide further direction on max acreage. Max project acreage can be revised to be determined during the Special Exception process if PC/BOS are amenable.	Revise 7-7-10(F) to remove the maximum area cap of 500 acres and allow on case-by-case basis through SE process.	Revise as directed
64	Utility-Scale Solar	7-7-10	For utility scale solar, if they would just confirm/clarify that the 500-acre limit applies to a parcel (they call it a "lot" in the rule) and not the entire project, which will be comprised of many lots (none of which approach 500 acres in size), then we would be fine.			
65	Utility-Scale Solar	7-7-10(F)	Why is there a size cap on utility-scale solar projects? It seems arbitrary, and the Commission and Board made it clear in previous sessions that they want all solar projects to make it to a Special Exception application and be assessed on merits.			
66	Utility-Scale Solar	7-7-10	For solar: 1. Groundwater monitoring (Section 7-7-10(N)) - unnecessary 2. Barbed wire (Section 7-7-10(O)) - why make us make it ugly? Also, it looks like the landscaping section (Section 7-7-10(J)) has been greatly expanded: a 100-foot-wide buffer. Huge. Although half of that 100 feet need only be "plugs" (I suppose that is a seedling), it is still overkill. It would be good to try to get them to focus on a subjective goal of "enhancing the view" or "reducing the visibility" and/or leave it up to a site-specific landscaping plan that accounts for receptors.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
67	Buffers	8-3-5 Table VIII-2	Need bigger setbacks and buffers from residences - failure to do so will result in the beauty of our rural county being destroyed. NOT OKAY!	Comment noted. Setbacks and buffers were increased for certain industrial uses during the April/May worksessions, and can be further revised with consensus from PC/BOS, but no revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
68	Buffers	8-3-5 Table VIII-2	Need larger setbacks and buffers from residences. King George is royal, citizens need to be prioritized and Sealston needs to be protected from any risk of undue noise and fire as well as residents.			
69	Buffers	8-3-5 Table VIII-2	A larger buffer is needed. Nobody traveling and just entering the county want to see these big structures.			
70	Parking Requirements	8-5-8(A)	Recommend making provisions for uses not listed in Table 8-5. Suggest that the Zoning Administrator be authorized to determine the required number of parking spaces based on the ITE Parking Generation Manual or relevant studies or industry information.	Comment noted. 8-5-8(I) provides that requirements for a use not specifically listed in the chart shall be the same as a use of similar characteristics of parking demand generation. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
71	Industrial Noise	8-10-5	1) Section 8-10-5. Testing needs a third major paragraph for (C) Complaint-driven testing to include a specified number of complaints within a specified period of time, regardless of how many and from whom, triggers Zoning Administrator action, and giving an Applicant 48 hours to mitigate the violation or the Certificate(s) of Occupancy will be automatically suspended and the Applicant will cease the use until such time that the Applicant can demonstrate through sound testing that the noise levels are in compliance. How soon after the complaint will the Community Development office be required to respond to the complainant? What will the response look like? How soon after the complaint will the office be required to engage the applicant/offender? What will that engagement look like? How will it be documented? 2) Table VIII-11. Maximum Industrial Use Noise should specify Daytime as 8 a.m. – 10 p.m. instead of 6 a.m. – 10 p.m. and Nighttime as 10 p.m. – 8 a.m. instead of 10 p.m. – 6 a.m. 3) Section 8-10-4, paragraph (B)(5) needs more specificity for the three sound level readings to be taken. What is the required duration of each reading (10 sec, 1 min, 10 min, 30 min, 60 min)? The duration should be specified in the section and should specify that each reading is taken for the same duration. How close together in time are the readings to be taken (10 min apart, 60 min apart, 24 hours apart)? The interval should probably not be 4 or 8 or 12 hours because that approach would cause one or more of the readings to cross from daytime to nighttime or vice versa and then different allowable maximums would apply. The interval between multiple readings should be specified in the section.	Comment noted; additional provisions for complaint-based testing can be added with consensus from PC/BOS. The time frame of 10 p.m. to 6 a.m. aligns with the existing County Noise Ordinance (Section 10-8).	<ul style="list-style-type: none"> Upon 5 verified complaints to the Zoning Administrator within a 7 day period, the County would hire 3rd party testing firm to conduct sound test and be reimbursed by the user. User needs to submit a plan of correction that is acceptable to the County within 48 hours. 	Add new subsection under 8-10-5 to add provisions for complaint-based testing as directed.
72	Industrial Noise	8-10-5	Would like to add a paragraph C to address complaint based testing like the annual testing.	Comment noted. Provisions for complaint-based testing can be added with consensus from PC/BOS.		
73	Industrial Noise	8-10-5	Standards should be put in place where there can potentially be a loss to the certificate of occupancy if ordinances are violated in regards to noise levels.	Comment noted. Section 10-8-5 currently contains provisions for revocation of the Certificate of Occupancy. Additional provisions for complaint-based testing can be added with consensus from PC/BOS.		
74	Industrial Noise	8-10-5	Please add an ordinance requiring noise testing in response to complaints. If noise issues are unresolved, certificate of occupancy suspended. Increase setbacks for I and I-1 from ag and res zoning. Limit ancillary uses...so a solar farm can't be used to power a data center as an ancillary use. Please do keep all these uses as SE.	Comment noted; additional provisions for complaint-based testing can be added with consensus from PC/BOS.		
75	Industrial Noise	8-10-5	Please put something that will enable testing and assurance of proper noise limits in response to complaints. One planned time a year a data center can make itself within limits.			
76	Industrial Noise	8-10-5	Require testing of data centers if neighbors complain about noise. No Power Plants. No battery storage near homes or schools.			
77	Industrial Noise	8-10-5	Would like to see a requirement to test noise levels when complaints are made or at unannounced times to ensure businesses are complying with the noise standards all the time and not just at known pre-determined times. Would like to see the certificate of occupancy tied to whether or not they are in compliance with the noise standards. If they don't comply with noise standards, they should lose their certificate of occupancy.			
78	Industrial Noise	8-10-5	If there are noise complaints from citizens on these industrial uses, they need to be fixed within 48 hours or the use needs to lose permission to operate. Fines on big corporations won't work and will not be enough.			
79	Industrial Noise	8-10-5	If there are noise complaints from citizens on these industrial uses, they needed to be fixed within 48 hours or else they need to lose permission to operate. Fines on big corporations won't work.			
80	Industrial Noise	8-10-5	Noise complaints need to be taken care of within a reasonable time. Suggested 48 hours or the use needs to lose permission to operate.			
81	Industrial Noise	8-10-5	What if the noise level is too loud? Is there something in the ordinance that will hold them to the fire? A time limit to correct this? A fine? Shut down until corrected?			
82	Industrial Noise	8-10-5	I would like it if there were no data centers going in at all in my neighborhood but I do like the special exception and not by right. I would have liked noise level restrictions to be harder. I would like there to be immediate responses and consequences to any complaints from residents when regarding noise levels.			

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83	Minor Subdivision	10-2-2	Comment: Section 10-2-2 does not exclude parcels in excess of 40 acres from the Minor Subdivision as was provided in Section 10-2-1 for major Subdivisions (and as provided in the current Subdivision Ordinance)	Comment noted. Recommend adding subsection (1): <i>Parcels in excess of 40 acres will not count towards a Minor Subdivision.</i>	Leave text as drafted.	This language was clarified with staff and can remain as proposed with no revisions.
84	Subdivision Roads	10-2-4(C)(5)	Does a family subdivision trigger driveway/road improvements on existing nonconforming driveways? (Such as driveways that already have more than 2 shared users or that don't meet width requirements.) If so, would not be interested in pursuing a family subdivision because the requirements would be too much for a typical homeowner.	10-3-8 (H)(1) exempts Family Subdivisions from those requirements. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
85	Private Streets	10-2-4 10-3-8(H)	Private road stays in tact when adding a family member to it.			
86	Family Subdivisions & Private Streets	10-2-4 10-3-8(H)	Existing private roads can stay (grandfathered in) when adding a house to a family property that has other properties attached to the same road.			
87	Family Subdivisions & Private Streets	10-2-4 10-3-8(H)	But more wording on how existing private road for a family subdivision can remain once adding a home for a family member and no other road needs to be put in.			
88	Suitability of Land	10-3-1	This provision does not appear to have any defined standards and is very subjective. A plat denial under these standards would likely be subject to appeal.	Comment noted. Recommend County Attorney review and provide desired edits.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.
89	Lot Remnants	10-3-4	This appears to preclude the creation of parcels for common open space that are below the standard lot size. Parcels for street entrance features, common mailbox receptacles, stormwater management and recreational amenities often are smaller than the minimum lot size for the zoning	Comment noted. Clarification to exempt dedicated open space, stormwater management, recreational amenities, etc. can be added to 10-3-4 and/or district standard tables with consensus from PC/BOS.	Agree with incorporation of recommendation. Add utilities (wells, etc.) to the list.	Revise 10-3-4 to include exception for parcels solely comprised of open space, stormwater management, recreational amenities, utilities, and similar functions as determined by the Agent.
90	Subdivision Roads	10-3-6	Comment: It is not clear whether a private driveway serving one or two lots is considered a "private street" or a "private road". Needs clarification and definition. If all lots front on a public road, can each lot have their own driveway? If it is intended that adjacent lots share driveway entrances, then a 5 lot subdivision (where each lot has road frontage) would require 3 driveway access points. Limiting the maximum number of access points to 2 as specified in Table X-2 would be unnecessarily restrictive and could result in additional access easements across adjacent lots. Recommendation: Clarify definitions of driveway vs private street and encourage the use of shared driveway entrances but do not eliminate potential lots by restricting the number of entrances. Give the Subdivision Agent authority to exercise judgement in finding common sense solutions that achieve the objective on minimizing entrances.	Comment noted. Recommend clarifying in 10-3-8(H) that 3 or more is considered a private road and less than 3 is considered a driveway. This will also match the trigger for naming roads and installing VDOT entrances. Additionally, driveway and shared driveway can be defined for clarity.	N/A	See BG's 8/29 response for recommended revisions.
91	Access	10-3-6(A)(2)	Easements and/or right-of-way should be specified unless this is intended to speak to private streets.	Comment noted. This text establishes easements and rights-of-way would be established as needed during future development. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
92	Access	10-3-6(B) Table X-1	What is the rational nexus for subdivisions to be reviewed by the Planning Commission requiring more access points than subdivisions that are administratively reviewed? Recommend that the requirements be the same with a statement that the Planning Commission may determine that the number of access points for a specific subdivision may be more or less than shown in the table based on topographic, environmental, and use conflict considerations.	Comment noted. Table X-1 identifies the minimum number of access points and allows the Planning Commission to increase. In most cases the minimum is one and therefore the Planning Commission could not reduce to zero access points. The table does require 2 and 3 access points for connections to other parcels and subdivisions when creating a subdivision of 51 or more lots. It is not recommended to reduce these minimum accesses.	N/A	See BG's 8/29 response - no revisions recommended.
93	Streets	10-3-8(A)(1)(i)	Please provide the code citation. The referenced code was not readily found in Municode.	Comment noted. Recommend revising 10-3-8(A)(1)(i) to clarify Chapter 13.5, Article III of the King George County Code.	N/A	See BG's 8/29 response for recommended revisions.
94	Streets, T-shaped turnarounds	10-3-8(D)(3)	Is there a rationale as to why they are prohibited? They can customarily be found in townhouse developments and are beneficial from a Chesapeake Bay Act aspect in that they require less impervious area than traditional cul-de-sac bulbs.	Comment noted. This text is retained from the existing ordinance. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
95	Subdivision Roads	10-3-8(H)	If a private street already has 8 developed lots using a private street, do they have to upgrade the private street when the next lot is developed?	Comment noted. Recommend clarifying 10-3-8(H) so that existing number of approved lots (as of the effective date of the ordinance) are okay, but additional divisions would trigger upgrade to the roads.	Agree with incorporation of recommendation.	Revise 10-3-8(H) as directed.
96	Streets	10-3-8(G)(2)	This may constitute an unlawful taking of private property. Recommend changing shall to may. There may be instances where additional right-of-way is necessary to meet sight distance and other safety measures for VDOT to approve the subdivision plat.	Comment noted. Recommend County Attorney review and provide desired edits.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.
97	Private Streets	10-3-8(H)(2)(i)	Please clarify what the width of the street means. Is it pavement width or width of the pavement and any gutter pans or ditches.	Comment noted. Recommend editing text to read: <i>...constructed private street pavement width be less than 25 ft., ...</i>	N/A	See BG's 8/29 response for recommended revisions.
98	Private Streets	10-3-8(H)(2)(iii) 10-3-8(H)(2)(iv) 10-3-8(H)(2)(v) 10-3-8(H)(2)(vii)	It may be simpler to reference that all private roads shall be constructed to AASHTO standards and that a professional engineer shall certify that the private roads have been constructed to the plans and applicable AASHTO standards.	Comment noted. The standards from the American Association of State Highway and Transportation Officials may differ from these standards. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
99	Utilities	10-3-10(E)	These provisions should be relocated to Chapter 6.5 of the County Code.	Comment noted. The topic of fire protection for subdivisions was requested for inclusion in this article of the Zoning and Subdivision Ordinance. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
100	HOAs	10-3-14	Comment: If a shared driveway could be considered a "private street", then this section could be interpreted as requiring establishment of a HOA. Recommendation: Clarify that shared driveway entrances or easements with a road maintenance agreement do not create a requirement for a HOA	Comment noted. Driveway can be further defined and/or clarification added to 10-3-14(A).	N/A	See BG's 8/29 response for recommended revisions to add clarification to 10-3-14(A).
101	HOAs	10-3-14(B) 10-3-14(C)	Based on the statement in subsection C above, these provisions are unenforceable and therefore should be removed.	Comment noted. This text ensures the creation of a HOA and incorporates state code 15.2-2256. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
102	Separate Ownership	10-5-3	This section should be deleted. The County Subdivision Agent should not be holding deeds of conveyance between private property owners. This is mixing private and public business and potentially creates a liability for the County.	Comment noted. This text only addresses conveyance when land is being subdivided. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
103	Review of the Preliminary Plat	10-6-5(C)(2)	The referenced 3 years for the subdivision agent to revoke a preliminary plat with 90 days' notice is not congruent with the fact that by State Code the preliminary plat is valid for 5 years if a final plat application is submitted. This code provision should simply state that the validity of the preliminary plat expires if a subdivision plat is not recorded for all or a portion of the subdivision within 5 years of approval of the preliminary plat.	Comment noted. This text follows state code 15.2-2260(F). No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.

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104	Minor/Single Lot/Family Subdivision Final Plat Requirements	10-7-2(B)	Recommend that all designated open space of common space properties be designated by a letter. This can avoid confusion as to what is a buildable lot.	Comment noted. Recommend King George County staff review and provide desired edits.	N/A	See BG's 8/29 response - Will follow the direction of County staff.
105	Major Subdivision Final Plat Requirements	10-7-3(B)(2)(iv) 10-7-3(B)(2)(v)	These items are normally found on a plan of development/site plan rather than a final subdivision plat.			
106	Major Subdivision Final Plat Requirements	10-7-3(B)(3)(iii)	These items are normally found on a plan of development/site plan rather than a final subdivision plat.			
107	Major Subdivision Final Plat Requirements	10-7-3(B)(4)	These items are normally found on a plan of development/site plan rather than a final subdivision plat.			
108	Major Subdivision Final Plat Requirements	10-7-3(B)(5)(viii)	These items are normally found on a plan of development/site plan rather than a final subdivision plat.			
109	Major Subdivision Final Plat Requirements	10-7-3(B)(6)(v)	All secondary roads are dedicated to public use to the local government for which they are in (King George County). Only rights-of-way associated with primary roads are dedicated to the Commonwealth of Virginia.			
110	Submission of Final Plats	10-7-4(B)	Please consider changing this to specify the number of copies and digital file media as determined by the Agent. This will allow for changes in technology and legal requirements that will likely eliminate the need for paper copies in the future.	Comment noted. Recommend revising 10-7-4(B) to: <i>Copies will be submitted in digital and physical format as required by the Agent.</i>	N/A	See BG's 8/29 response for recommended revisions.
111	Review of Final Plats	10-7-5(A)(5)	It is not clear if this is referring to the Agent's approval or submission back to the applicant of review comments to be addressed. Please clarify.	Comment noted. Recommend revising 10-7-5(A)(5) to clarify that when plats are approved the plat will be signed and dated with the approval date, and when disapproved a letter will be sent noting the reason for disapproval and the date of the action.	N/A	See BG's 8/29 response for recommended revisions.
112	Construction Plans	10-8-1	Construction plans should be submitted and approved prior to recordation of the final plat. Cost estimates to bond public facilities are predicated on an approved construction plan.	Comment noted. This text is drafted as requested by County staff. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
113	Construction Plans	10-8-2(B)	Construction plans should comply with the approved preliminary plan if applicable. They should be approved prior to the record plat for the reason stated above.	Comment noted. Recommend King George County staff review and provide desired edits.	N/A	See BG's 8/29 response - Will follow the direction of County staff.
114	Construction Plans	10-8-3(B)	Construction plans per Virginia Code Sec. 15.2-2259 are classified as site plans. The review time is a maximum of 60 days for the first submission and 45 days for each subsequent submission. Consideration should be made for the future of electronic plans.	Comment noted. Recommend County Attorney review and provide desired edits.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.
115	Construction Plans	10-8-3(C)	Virginia Code Sec. 15.2-2261 specifies that site plans are valid for a period of 5 years.			
116	Industrial Use Permissions and Standards	Various	As a King George County resident, directly effected by this rezoning, No. I am not satisfied and do not want this here. I want more space between the road and site, i.e.; buffers and setbacks to be a greater distance. I am asking for 100 yards from residences and roads, not 100 feet. I want the natural tree line to exist, leaving natural, mature trees hiding these structures. I want the buildings, warehouses, etc. to all blend in with the natural environment and to be painted green, to blend in with the trees. I am also asking that you keep all of these uses as by special exception, NOT By-Right. ALSO, if there are noise complaints from citizens on these industrial uses, they needed to be fixed within 48 hours or the use needs to lose permission to operate. Fines on these big corporations won't	Comment noted. Following direction from the PC/BOS at the April and May 2023 work sessions, data centers, battery energy storage facilities, electricity generation facilities, and utility-scale solar are permitted by Special Exception only and buffer requirements were increased. Additional provisions for complaint-based noise testing can be added with consensus from PC/BOS.	See Lines 71-82 for direction on complaint based noise testing.	See Lines 71-82 for revisions to add complaint based noise testing.
117	Industrial Use Permissions and Standards	Various	Please keep all uses in a by special exception not by- right. Need bigger buffers for residents. If they're complaints about noise needs to be fixed within 48 hrs if not need to lose right to operate.	Comment noted. Following direction from the PC/BOS at the April and May 2023 work sessions, data centers, battery energy storage facilities, electricity generation facilities, and utility-scale solar are permitted by Special Exception only. The transitional buffer requirements for data centers were increased following the April 2023 work session. Additional provisions for complaint-based testing can be added with consensus from PC/BOS.		
118	Industrial Use Permissions and Standards	Various	Please please please, understand that residents all over the county do it want this change. We do not want to rezone. We do not want massive structures taking up our farmland views. We do not want this. If this is something that's going to happen, regardless of our say, please hear our concerns. Know that we are asking for King George to set up design limitations (meaning structures have to blend with the natural environment in color, that complaints about noise violations will be fixed within 48 hours, and that the buildings and space will be so far off the road, that it won't effect residents near by. I am specifically asking for at least a 100 yard buffer and setback between this new development and private citizen residences and roads.	Comment noted. Additional provisions for complaint-based testing can be added with consensus from PC/BOS. The transitional buffer requirements for data centers were increased following the April 2023 work session.		
119	Industrial Use Permissions and Standards	-	I have major concerns for my farm animals as my property backs up to the power plant property.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
120	Industrial Use Permissions and Standards	-	I was born and raised in the area being affected, it's bad enough trying to enjoy setting outside and smelling the mountain of landfill, now the county is going to add noise and a loss of the beauty of living in a farm area to living in a industrial area. Everyone is voting for money and not the quality of life for the people living in this area.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
121	Industrial Use Permissions and Standards	-	The county needs to consider the negative impact of preserving farms, natural water and other nature, residential properties. CDC indicates dangers of health and lifestyle for the decibel levels projected.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
122	Industrial Use Permissions and Standards	-	Greater protections needed for the citizens living in proximity to these facilities.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
123	Industrial Use Permissions and Standards	-	Bigger distances between industrial and homes.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.

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124	Industrial Use Permissions and Standards	-	There need to be larger setbacks and buffers from residences. Also, larger setbacks and buffers from main and secondary roads (e.g., Fletchers Chapel); 100 feet is not enough. We need to work on keeping the rural character of the county and prioritizing our citizens. There is much historic, prehistoric, and natural view shed that will be disturbed and destroyed by these projects. Not to mention the environmental impacts of projects such as those that have been brought forth. It is important to listen to your citizens and not to turn our agricultural land and the green landscape into a bustling industrial center when there is potential for other uses that can also garner revenue for the county. This end of the county should not be known and seen only as an industrial hub, we should not have to bear the brunt of these company's ideas and plans. Is it necessary to allow them to turn one of the main entrances into the county into an industrial hub? Please, take your time in considering and do not be afraid to want more time; it is more than okay to have as many questions and want as much information as possible before agreeing. Do not be yes men/women just because it might make everyone happier and get it all over with quicker. It is in everyone's best interest to see this through in the right way. If we need a year to deliberate, let's take a year; let's not jump the gun on such a big project that will have a major impact on the county.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
125	Violation and Enforcement	-	Companies should be responsible to the people living in the area. If there are complaints they should be addressed promptly within 48 hours, or the businesses should be required to shut down till issues are resolved. Fining big businesses is not an option, taking away their ability to work and make money would have a greater impact on their response time. The rural character of our county must also be taken into consideration. People live here to stay away from industrialized areas and to enjoy the beauty that comes with living in the country.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
126	General	-	Keep KG rural as much as possible.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
127	General	-	Keep this area farm land, the reason people living here stay.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
128	General	-	Preserve as much of our lands as possible. This county needs to start making cuts in the budget and not be living above our means.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
129	General	-	We required larger setbacks and buffers between residential and industrial areas keeping industry away from people's homes.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
130	General	-	It's destroying the area with heavy traffic and stressing the county to build more schools and additional fire and rescue which goes against all the positive money coming in.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
Board of Supervisors & Planning Commission Comments						
131	Ordinance Conflicts and Interpretations	1-2-1(A)(6) 1-2-1(A)(7) Article III, Division 9	Add appeal to BZA and BOS. Wants BOS to hear zoning appeals in addition to or instead of BZA, prior to further appeals to Circuit Court.	Comment noted. This provision follows state code and streamlines the appeal process. The County Attorney would need to determine if the state code would permit BOS review in addition to BZA. No revision recommended.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.
132	Nonconformities	1-4-3	The term "immediately prior" seems ambiguous.	Comment noted; "immediately prior" will mean any date prior to the date of ordinance adoption. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
133	Vested Rights	1-4-6(A)	Concerned that provisions regarding vested rights determinations by the Zoning Administrator could be in conflict with family inheritance rights.	Comment noted. This text aligns with state code. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
134	Appointment, Powers, and Duties	2-1-1(C)	Don't think the Zoning Administrator should be able to hold any other office in the County, particularly elected office or County Administration. Should only be allowed to hold multiple titles within Community Development Department (e.g. one person is Zoning Administrator and Planning Director concurrently). Could create too much conflict and it is not clear in the proposed language.	Comment noted. The Board may decide as a matter of policy and does not have to appoint to other offices. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
135	Performance Bond	3-6-7(C)(4)	The 30 day provision is unreasonable/confusing and should be changed or clarified.	Comment noted. The time limit is typical for most localities. For clarity the text can be reworded to "If such performance bond contains an expiration date and all improvements have not been completed, then 30 days prior to expiration provisions shall be made for extension of the bond."	N/A	See BG's 8/29 response for recommended revisions.
136	Zoning Determinations	3-8-1 3-8-2	Wants additional language added to 3-8-2 to clarify procedures for submitting written requests for Zoning Determinations.	Comment noted. 3-8-2 can be revised to add a new item (A) to read: <i>Persons requesting a determination by the Zoning Administrator must do so in writing on forms provided by King George County. The Administrator must sign and date the form upon receipt.</i>	N/A	See BG's 8/29 response for recommended revisions.
137	Posting Notice on Property	3-10-3(A)(6)	Having a sign every 200 feet is too much. There are too many signs in the County and can be unsightly. Double the requirement to every 400 feet in provision (6).	Comment noted. Distance/number of signs can be discussed and amended as directed by the PC/BOS. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
138	Height Exemptions for Parapet Walls	4-2-3(C)(12) 4-2-3(C)(14)	Parapet walls should not be considered for height exemptions. Remove (12) and (14) from the exemptions section.	Comment noted. This is a common exemption. Parapet walls are often used to screen elements that are unsightly and typically are low enough to be reached with fire equipment. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
139	Corner Lot Setbacks	4-2-4(B)(2)	Needs more clarification - it is hard to interpret two fronts, one side, and one rear for setback purposes.	Comment noted. This text is streamlined here but explained further in (C)(2). No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
140	R-3 Standards, Townhouse Density	4-5-2 Table IV-4	Townhouse density should be no more than 5 townhouses per acre. Cannot fit 8 townhomes with parking on 1 acre.	Comment noted. Density can be discussed and amended as directed by the PC/BOS. No revision recommended.	Leave density of townhouses in R-3 as drafted in the proposed ordinance.	Leave as drafted.
141	RC District, Non-Residential Building Height	4-8-3 Table IV-7	45' is too tall for non-residential buildings unless a certain height is granted by a Special Exception. No recommendation on alternative height, but 45' is too tall. Should be determined on a case by case basis.	Comment noted. Drafted considering recreational buildings and other commercial type uses. Height can be reduced to 35' to match other districts if desired by the PC/BOS. No revision recommended.	Leave height as currently drafted in proposed ordinance.	Leave as drafted.
142	Home Occupations	Table VI-1	In the section pertaining to Home Occupation, it seems inconsistent to have Class B as SE in A-1 & A-2 when Class C is by-right. I would think in some zoning districts, Class B would be by-right.	Comment noted. Recommend revising Table VI-1 to make Home Occupations, Class B permitted by right in A-1 and A-2. SE in other districts for Class B would remain. Related comments: Lines 33, 151	See Line 33	See Line 33
143	Use Matrix, Kennels	Table VI-1	Kennels, Commercial should not be by right in A-1, A-2, and A-3. Change to Special Exception.	Comment noted. This can be changed if desired by the PC/BOS, but no revision recommended.	N/A	See BG's 8/29 response.
144	Use Matrix - Manufactured/Modular Home Sales	Table VI-1	Manufactured/Modular Home Sales should not be in by right in C-2, I, and I-1. Change to Special Exception.	Comment noted. This can be changed if desired by the PC/BOS, but no revision recommended.	N/A	See BG's 8/29 response.
145	Use Matrix - Nursing Home	Table VI-1	Nursing Homes should not be by right in R-3. Change to Special Exception.	Comment noted. This can be changed if desired by the PC/BOS, but no revision recommended.	N/A	See BG's 8/29 response.
146	Use Matrix - Parking Lot, Commercial	Table VI-1	Parking Lot, Commercial should be added as by right in I and I-1.	Comment noted. This can be added if desired by the PC/BOS, but no revision is recommended.	N/A	See BG's 8/29 response.

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147	Livestock and Beekeeping	7-2-1 7-2-3(B)	The Agriculture Use standards are confusing. 7-2-1(A) states 5 acre minimum lot size for the keeping of livestock, but 7-2-1(B) states 10 acre minimum in major subdivisions. It is confusing as applied to Beekeeping. The 5 or 10 acre requirement does not align with the beekeeping lot sizes in 7-2-3(B) and bees are not one of the excluded livestock listed in 7-2-1. What is the rationale of allowing only 4 hives?	<ul style="list-style-type: none"> 7-2-1(B) refers to agriculturally zoned lots that are part of Major Subdivisions only - to keep livestock in a Major Subdivision zoned A-1, A-2, or A-3, the lot size must be at least 10 acres. All other lots in A-1, A-2, or A-3 would be 5 acres. Beekeeping provisions under 7-2-3(B) refers to beekeeping in residential districts, where lot sizes are smaller and neighbors may be nearby. 	N/A	See BG's 8/29 response - no revisions recommended.
148	Dwelling, Accessory	7-3-2(D)(2)	One accessory dwelling per lot should be increased. What if there is a shed as well?	Comment noted. The proposed text allows one accessory dwelling unit per lot; additional accessory structures (such as sheds) may be possible if requirements are met.	N/A	See BG's 8/29 response - no revisions recommended.
149	Dwelling, Townhouse	7-3-6(A)	Maximum adjoined units should be decreased from 8 to 5.	Comment noted. Units can be discussed and amended as directed by the PC/BOS. No revision recommended.	See Line 140	See Line 140
150	Home Occupations	7-3-8 7-3-9 7-3-10	Do these home occupation ordinances apply to home daycares? It would be pretty hard to conform to these standards.	Day cares are a separate use from home occupations. They are regulated by state code and provided in the ordinance as Day Care, Family Home. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
151	Home Occupations	7-3-10(G)	Some clarification would be helpful. Those numbers for employees, customers, and vehicles are per day or at one point in time? Also for the definition of each Class of Home Occupation, is the number of employees for a home business the number on site at a particular time, or the number allowed each day?	Comment noted. Clarification can be added to specify employees per day and customers/vehicles at any one time. Related comments: Lines 33, 142	See Line 33	See Line 33
152	Campground	7-4-1(A)	A minimum lot size of 10 acres is too small for campgrounds. Increase to 40 acres. Should also be permitted by Special Exception only and should not be permitted in A-1 or A-2 at all.	Comment noted. Minimum size can be discussed and amended as directed by the PC/BOS. No revision recommended.	Would like future discussion. May need to consider agritourism as well.	See BG's 8/29 response - no revisions recommended.
153	Food Trucks	7-5-14	Against food trucks except for special events and specific approved places Vineyards and breweries need food trucks to comply with ABC regulations.	Comment noted. This is a use that can be regulated through zoning. County Attorney should be consulted for the ability to restrict events only. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
154	Battery Energy Storage Facilities	7-6-1(I)(1)	Revise this clause as "Each battery facility battery storage and use location shall have 24/7 automated fire detection and extinguishing technology, consistent with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems."	Comment noted. Recommended clarification: <i>All individual batteries shall be connected to a 24/7 automated fire detection and extinguishing system, consistent with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, to detect the precise location of a malfunctioning battery and suppress fire events.</i>	See Lines 55-56	See Lines 55-56
155	Battery Energy Storage Facilities	7-6-1(K)(4)	Revise this clause as "Failure to maintain the security fencing may result in revocation of the Zoning Permit and the facility's decommissioning, if deficiencies are not corrected within 30 days after notification by the County." (This text change also applies to 7-7-10(O)(6).)	Comment noted. Revise Section 7-6-1(K)(4) to state: <i>Failure to maintain the security fencing shall result in the revocation of the Zoning Permit following notice of violation and enforcement as provided in Article II, Division 4 of this Ordinance.</i>	See Line 57	See Line 57
156	Utility-Scale Solar	7-7-10(F)	Recommend: Delete sentence 7-7-10(F), allowing the County flexibility to determine maximum facility size based on site specific considerations during the Special Exception review process. The rationale is that a single entity could wish to link multiple small parcels connected by transmission lines that in aggregate could exceed 500 acres, i.e., rooftop solar, or connected smaller solar farm	Comment noted. Previous direction removed 65% lot coverage requirement, but did not provide further direction on max acreage. Max project acreage can be revised to be determined during the Special Exception process if PC/BOS are amenable.	See Lines 63-65	See Lines 63-65
157	Utility-Scale Solar	7-7-10(O)(6)	Revise this clause as "Failure to maintain the security fencing may result in revocation of the Zoning Permit and the facility's decommissioning, if deficiencies are not corrected within 30 days after notification by the County."	Comment noted. Revise Section 7-7-10(O)(6) to state: <i>Failure to maintain the security fencing shall result in the revocation of the Zoning Permit following notice of violation and enforcement as provided in Article II, Division 4 of this Ordinance.</i>	Revise as proposed.	Revise as directed.
158	Lighting	8-2-3(A)	Needs more clarification regarding the Use Matrix.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
159	Lighting	8-2-3(E)	Change "preferred" to "required" type of exterior site lighting.	Comment noted. Revise as directed.	N/A	See BG's 8/29 response to revise as directed.
160	Tree and Plant Standards	8-3-4(A)(4)(i)	30 days is not enough notification to remove dead plants. Do not want to put people in the position of being in violation. If this provision applies to commercial/industrial landscaping only, it is not clear.	Comment noted. 8-3-2 addresses when the provisions apply (new construction, developments, or redevelopments). Timeframe to replace after notification can be edited as directed by the PC/BOS. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
161	Tree and Plant Standards	8-3-4(A)(6)	Why do plants need to be nursery grown and why are they required to conform to the American Standard for Nursery Stock?	This provision is carried over from the existing ordinance. The American Standard for Nursery Stock is an Approved American National Standard. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
162	Tree and Plant Standards	8-3-4(A)(8)	Why isn't bare root planting permitted?	Comment noted. This provision is carried over from the existing ordinance. It also helps ensure plantings survive. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
163	Transitional Buffers	8-3-5 Table VIII-2	Why are transitional buffers not applicable for commercial and industrial districts? Add buffers for all districts listed in the table.	Comment noted. Transitional buffers help with the change from one type of use to another. This references when these districts are adjacent to one another and so uses are similar. There are other landscaping requirements for commercial and industrial uses. These are minimal due to concern with burdening business owners. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
164	Parking Design Standards	8-5-7	In this section, there needs to be exceptions for areas in the RPA or places that want to preserve their "county/rustic" appeal. Not all parking lots need to be paved and lined.	Comment noted. Grass and gravel are permitted in certain circumstances. This may be expanded with PC/BOS direction. No revision recommended.	N/A	See BG's 8/29 response.
165	Signs	8-6-2(B)(2)	Application and regulations should not be applicable to political signs.	Comment noted. Political signs can not be specifically regulated due to case law. 8-6-4 addresses signs that are exempt from permitting. No revision recommended.	Requested County Attorney to further review the case law for signs (Reed v. Gilbert).	Will follow the direction of the County Attorney.
166	Signs	8-6-3	Would like to see a change in "on property signs" as well. Businesses have to pay for signs out on the road as well as any sign that is hung on their brick and mortar building as well. Why is that?	Comment noted. All sign regulations are to address beautification (clutter, size, etc.) and safety (distraction of drivers). No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
167	Signs	8-6-3	Does the ordinance state "no off site placement" of signs?	Section 8-6-6(A) pertains to Off-Site Sign standards. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
168	Signs	8-6-3	Where does it say that "popsicle signs" are illegal? That needs to be plain as day because it is a major issue. What about enforcement? Who is going to do it and where does it say that?	Comment noted. Popsicle signs would be treated the same as other small or temporary signs. The restrictions of the ordinance must be enforced by the Administrator or another agreed upon agent. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
169	Portable Sign Exemption	8-6-4(A)(3)(i)	Area for exemption should be increased to 32 SF (4'x8'). Political signs should be specifically exempted from 6 SF and capped at a larger size.	Comment noted. No revision recommended. Political signs are not allowed be regulated differently than other temporary signs. Temporary signs may be amended as desired by the PC/BOS. No revisions recommended.	Requested County Attorney to further review the case law for signs (Reed v. Gilbert).	Will follow the direction of the County Attorney.
170	Sign Setbacks	8-6-5(C)	Political signs should be exempt from sign setbacks.			
171	Temporary Signs	8-6-6(D)	Political signs should be exempt from temporary sign regulations. Are elections an event? Needs to be clarified. Also, temporary signs should be allowed to be illuminated (particularly political signs should be allowed to be illuminated).			
172	Sign Maintenance, Repair, and Removal	8-6-9	Political signs should be exempt from these regulations, particularly removal at the cost to the homeowner.			
173	Family Subdivisions	10-2-4(C)(3)(i)	Death and divorce should not be factors that allow the Subdivision Agent to waive any remaining required holding period.	Comment noted. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
174	Family Subdivisions, Subdivision Agent	10-2-4(C)(3)(ii)	This provision mentions "...upon application to the Agent..." Should clarify "Subdivision Agent."	See Section 2-1-1(F) and definition of Subdivision Agent (Agent) in Article XI. No revisions recommended.	N/A	See BG's 8/29 response - no revisions recommended.
175	Family Subdivision, KGSA	10-2-4(C)(6)	If someone doesn't have water and sewer, why would they have to be approved by the KGSA for a family subdivision? Do not want the Service Authority to require people on well/septic to connect to water/sewer if new lines are installed nearby. (Comment applies to all subdivisions, not just family subdivisions.)	Comment noted. This text allows agreement between state code and other KG County Code. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
176	Suitability of Land	10-3-1	Agent should not determine suitability. Just because land may be deemed unsuitable, it can be made suitable. As long as a proposal is in compliance, shouldn't need to worry about suitability of the land.	Comment noted. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.

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177	Utilities	10-3-10(A)	Do not want the Service Authority to require people on well/septic to connect to water/sewer if new lines are installed nearby.	Comment noted. This would be determined through the County Code. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
178	Stem Lots	10-3-3(C)	Stem lots should not be allowed.	Comment noted. Existing text that was carried over. Provision can be removed as desired by PC/BOS. No revision recommended.	Leave as currently drafted in proposed ordinance.	Leave as drafted.
179	Lot Remnants	10-3-4	Remnants smaller than minimum lot size should be allowed to exist as their own nonconforming parcel.	Comment noted. BG does not recommend allowing the creation of nonconforming parcels. Text can be amended to allow dedication of open space etc. as requested by public comment. Text to be revised as desired by PC/BOS.	See Line 89.	See Line 89.
180	Subdivision Bond	10-4-2(A)	The language "in lieu of construction" should be struck from (A).	Comment noted. This text means that the construction has not occurred yet. No revision recommended.	N/A	See BG's 8/29 response - no revisions recommended.
181	Subdivision Bond Release	10-4-4(A)	Add approval by the Board of Supervisors as a condition of releasing the bond.	Comment noted. The Agent's decision to release is specially provided. Text can be amended as desired by the PC/BOS. No revision recommended.	No changes to the ordinance, but notify Board of Supervisors when bond release is requested. County Attorney to determine definition of "receipt."	Will follow the direction of the County Attorney.
182	Abandoned Vessel/Dock/Debris Ordinance	TBD	Discussed implementing this type of ordinance with Ms. Hall. The State has a program that they reimburse or pay up front for the removal of abandoned/delict vessels, docks, or other obstructions from waterways. Need an ordinance in place to qualify.	Comment noted. This would be separate from the Zoning Ordinance. BG will follow the direction of the PC/BOS and staff if assistance in drafting is desired.	N/A	See BG's 8/29 response.
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183	Density - Acre vs. Gross Acre	4-5-2 Table IV-4	For density should we use "gross acre." This term is defined but not used. I like gross acre because it excludes wetlands etc. It is also what our current ordinance states. Should this also be applied to the density requirements of MU and PU?	Revise as directed.	N/A	See BG's 8/29 response.
184	Traffic Impact Analysis for Site Plans	5-4-5(D)	Can we make the TIA required at the discretion of VDOT or the Administrator? It is onerous to require a TIA even if all site and street improvements/infrastructure are already in place or if a TIA would have no effect.	Revise as directed.	N/A	See BG's 8/29 response.
185	Agritourism	7-2-4	Replace entire section with supplied language from County Attorney.	Revise as directed.	N/A	See BG's 8/29 response.
186	Short-Term Rentals	7-3-12(A)(4)	Please lower from 92 days to 30 days.	Revise as directed.	N/A	See BG's 8/29 response.
187	Dwelling, Accessory	7-3-2(a)(1)	Does the SE option only apply to the "Standards (General, Development, Design)"? What if I wanted a detached ADU in a res. district? That restriction is located under general limitations. Can we change that language to "a Special Exception will be required if the provided provisions in this section cannot be met?"	Previous direction from the PC/BOS restricted detached ADUs in residential districts. Can revise with PC/BOS consensus.	See Line 18	See Line 18
188	Dwelling, Multi-Family	7-3-5(A)	Is this necessary? Section 4-2-1(D) already states that parcels can only have 1 principal structure in the res. Districts, so a multifamily development in R-3 with more than one building would have to subdivide and the structures would have to meet setbacks on their own parcel. If the intent is to allow more than one building, 4-2-1 should be revised or does 7-3-5(A) only apply to buildings in the Planned Development District? If so please clarify.	Revise 4-2-1 to clarify that R-3 can have additional principal structures at the discretion of the Zoning Administrator if the requirements of 4-5-2 and 7-3-5 are met.	N/A	See BG's 8/29 response for recommended revisions.
189	EV Charging Stations	7-5-4	Add new subsection (D) to 7-5-4 using supplied language.	Revise as directed.	N/A	See BG's 8/29 response.
190	Utility-Scale Solar	7-7-10(F)	Consider removing the 500-acre maximum for solar farms. I have been hearing from many stakeholders about this issue.	Comment noted; revise with consensus from PC/BOS.	See Lines 63-65	See Lines 63-65
191	Family Subdivisions - Driveways	10-2-4(5)	A 20 foot wide driveway is required for a family subdivision but only a 20' wide easement is required. This would account for drainage ditches/maintenance. I would recommend removing the driveway width requirement.	Recommend retaining 20' easement and reducing driveway minimum width to 10' within the easement	N/A	See BG's 8/29 response for recommended revisions.
192	Preliminary Plat Review for Major Subdivisions; Access Points	10-3-6(B) Table X-1	Table X-1 states that additional access points may be required by the commission for 51+ lots are determined during preliminary plat. Preliminary plats can be avoided by phasing a major subdivision into multiple final plats. This is something we have ran into recently and was advised by our legal team that the State code only allows us to require preliminary plats for "plats" containing more than 50 lots, not subdivisions.	Comment noted; 10-1-6 also addresses circumvention; revise with additional clarification from County Attorney.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.
193	Access Requirements	10-3-6(C) 10-3-8(H)(2)	Family subdivision should be removed from the title as they have their own requirements and their streets are not subject to 10-3-8. 10-3-8(h)(2) should explicitly exempt family subdivision as well.	Revise as directed.	N/A	See BG's 8/29 response.
194	CBPA Plat Note	10-7-2(B)(21)(iii)(a)	Please add the note that DEQ has required us to use for Ches. Bay compliance to all plat requirements: <i>Chesapeake Bay Preservation Area designated Resource Protection Areas (RPA) may not be disturbed without review and approval per Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance.</i> <i>a. Undisturbed and vegetated 100-foot wide RPA buffer areas are to be retained.</i> <i>b. Permitted development in RPAs is limited to water dependent facilities or redevelopment.</i>	Revise as directed.	N/A	See BG's 8/29 response.
195	Onsite Sewage Disposal & Alternative Discharge Systems - Administrative Review	TBD	Can we add provisions for the administrative review of direct discharge septic systems for single-family homes with failing or failed septic systems? Stafford has a provision where for failing or failed septic systems, the administrator can approve an alternative discharging sewage treatment system if it can be certified by the VDH that no other suitable means of on-site sewage disposal exists. Our current ordinance would require a SEP which can be onerous and time consuming for a homeowner. This is a problem I am seeing more and more. However, I understand that some board and PC members may have environmental concerns.	Comment noted. Revise as directed from staff and County Attorney.	N/A	See BG's 8/29 response - Will follow the direction of the County Attorney.

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196	Complete Applications	1-4-4(B) 1-4-4(C) 1-4-4(D)	N/A	N/A	<i>Note: Comment received after the August 29 meeting.</i> Clarification is needed for completion of application <i>submittal</i> to commence review, and completion of application (meaning it has addressed all requirements and is ready for approval). If an application submittal is received prior to adoption of the new ordinance but still needs to address outstanding comments after the new ordinance takes effect, do subsequent resubmittals need to comply with the old or new ordinance?	Recommend clarifying 1-4-4 so that completion of application <i>submittal</i> (meaning all documents & fees required to commence a review) does not constitute completion of application (for approval). Applications that have begun review but have not addressed all comments by the effective date of the new ordinance must then comply with the new ordinance upon resubmittal - they would not be "grandfathered" under the old ordinance.
197	Access Points for Major Subdivisions	10-3-6(B) Table X-1	N/A	N/A	<i>Note: Comment received after the August 29 meeting.</i> Revise access points so that minimum required accesses are: <ul style="list-style-type: none"> • 36-50 lots = 2 minimum • 51-100 lots = 2 minimum • 101+ lots = 3 minimum Revise text to clarify that exceptions to the minimum access requirements must be granted by the Planning Commission.	Revise as directed.
198	Subdivisions in Commercial and Industrial Districts	Article X	N/A	N/A	<i>Note: Comment received after August 29 meeting.</i> Under the current ordinance, all commercial and industrial subdivisions are reviewed as major subdivisions, with approval by Planning Commission. The proposed ordinance allows commercial and industrial subdivisions to be reviewed as minor subdivisions, if a major subdivision is not triggered	Text as proposed streamlines the plat review process and is typical of commercial/industrial subdivision requirements. A major subdivision would still be triggered for 6 or more lots, with Planning Commission review for 50+ lots. No revision recommended.