

**Board of Supervisors**  
Meg Bohmke, Chairman  
Gary F. Snellings, Vice Chairman  
Jack R. Cavalier  
Thomas C. Coen  
L. Mark Dudenhefer  
Wendy E. Maurer  
Cindy C. Shelton

March 9, 2018

NOTICE TO PROPERTY OWNERS

Thomas C. Foley  
County Administrator

**SUBJECT:** *Proposed Revision to the Stafford County Code to Repeal Cluster Subdivision and Cluster Development Regulations*

The Stafford County Board of Supervisors will hold a public hearing on proposed revisions to the Subdivision and Zoning Ordinances to repeal regulations concerning cluster subdivisions and cluster development.

*The public hearing will be held on Tuesday, March 20, 2018, beginning at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, Virginia. All parties are invited to appear and state their views.*

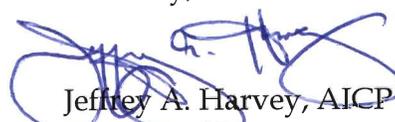
The proposed Ordinance would remove clustering provisions from the Subdivision Ordinance and from County Code Sec. 28-35, Table 3.1 District Uses and Standards regarding by-right and conditional uses in the R-1, Suburban Residential; R-2, Urban Residential—Medium Density; and R-3, Urban Residential—High Density Zoning Districts; and intensity, lot area, yards, and lot width requirements in the A-1, Agricultural; A-2, Rural Residential; R-1; R-2; and R-3 Zoning Districts.

**This proposal will not affect the requirements for the conventional subdivision of property; it only affects standards for cluster subdivisions.**

You are hereby notified in accordance with Stafford County Code Section 28-333 and Virginia Code Section 15.2-2204, which require that property owners be notified of this public hearing.

A copy of the proposed Ordinance and other related materials are on file in the Department of Planning and Zoning at the George L. Gordon, Jr., Government Center, 1300 Courthouse Road, and may be examined Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. The proposed Ordinance is also available on-line at [www.staffordcountyva.gov](http://www.staffordcountyva.gov) under the Planning and Zoning link. Persons requiring special accommodations to facilitate participation in the above matter are encouraged to contact the Department of Planning and Zoning at 540- 658-8668 at least five days prior to the meeting.

Sincerely,

  
Jeffrey A. Harvey, AICP  
Director of Planning and Zoning



## BOARD OF SUPERVISORS

### Agenda Item

<b>Meeting Date:</b>	January 23, 2018
<b>Title:</b>	Refer Repeal of Cluster Development Regulations to the Planning Commission
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey Harvey
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	Yes, see background report.

**ATTACHMENTS:**

1.	Background Report	2.	Proposed Resolution R18-39
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	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
X	<b>New Business</b>		<b>Public Hearing</b>	X	<b>Add-On</b>

**REVIEW:**

X	County Administrator	
X	County Attorney <i>(legal review only)</i>	

<b>DISTRICT:</b>	N/A
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## **BACKGROUND REPORT**

The Board discussed growth management strategies at its Annual Planning Retreat on January 20, 2018. Several Board members had received citizen complaints about cluster developments. The cluster development regulations do not appear to be meeting the intended goals and objectives for land preservation and good subdivision practices as envisioned in the Comprehensive Plan. It was noted that in several cases, lot yield with cluster development exceeded what was normally permitted with other by-right developments due to environmental constraints. Land being preserved in open spaces is mostly unbuildable lands that are not suitable for continuing agricultural activities due to their nature of being wetlands, resource protection areas, configurations with restricted access and alternative uses such as stormwater management ponds and community drainfields. The Board has concerns that the cluster development regulations, as they are currently written, are having the effect of accelerating development in the rural areas of the County with limited community facilities and services available.

The County is committed to ensuring quality development practices in the County and believes that cluster development, if done correctly, can result in rural neighborhoods that preserve farmland, forestland, and rural landscapes. The Board desires to consider repealing the current regulations until such time that new regulations can be created and implemented that better meet the goals and objectives of the Comprehensive Plan.

Proposed Resolution R18-39 requests the Planning Commission to conduct a public hearing and make a recommendation to repeal the current cluster development regulations. Staff supports repeal of the regulations while new standards are being developed. It may take several months in order to develop new standards and regulations while going through the public hearing process. Staff believes that it is important to repeal the regulations on an interim basis in order to assure that undesirable development practices are discontinued.

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 23<sup>rd</sup> day of January, 2018:

<u>MEMBERS:</u>	<u>VOTE:</u>
Meg Bohmke, Chairman	Yes
Gary F. Snellings, Vice Chairman	Yes
Jack R. Cavalier	Yes
L. Mark Dudenhefer	Yes
Wendy E. Maurer	Yes
Cindy C. Shelton	Yes
George Washington District	VACANT

On motion of Mr. Snellings, seconded by Mrs. Maurer, which carried by a vote of 6 to 0, the following was adopted:

A RESOLUTION TO REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION REGARDING THE REPEAL OF THE CURRENT CLUSTER DEVELOPMENT REGULATIONS

WHEREAS, Virginia Code § 15.2-2286.1, requires certain localities to make provisions for cluster development; and

WHEREAS, Stafford County has provisioned for cluster development; and

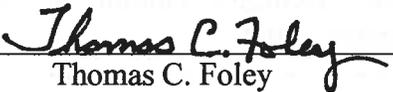
WHEREAS, Cluster development are currently permitted in A-1, Agricultural; A-2, Rural Residential; and R-1, Suburban Residential Zoning Districts; and

WHEREAS, the Board desires to consider repealing the cluster development regulations, while working on new regulations that ensure quality development, address citizen's concerns, and better meet the goals and objectives of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 23<sup>rd</sup> day of January, 2018, that it be and hereby does request the Planning Commission to hold a public hearing and make a recommendation regarding the repeal of the cluster development regulations; and

BE IT FURTHER RESOLVED, that the Planning Commission is hereby requested to conduct its public hearing and make its recommendation to the Board by the end of February, 2018.

A Copy, teste:

  
Thomas C. Foley  
County Administrator

TCF:JAH:dfk

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the day of \_\_\_\_\_, 2018:

MEMBERS:

Meg Bohmke, Chairman  
Gary F. Snellings, Vice Chairman  
Jack R. Cavalier  
Thomas C. Coen  
L. Mark Dudenhefer  
Wendy E. Maurer  
Cindy C. Shelton

VOTE:

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried by a vote of \_\_\_\_\_, the following was adopted:

AN ORDINANCE TO REPEAL STAFFORD COUNTY CODE ARTICLE IX, "CLUSTER SUBDIVISIONS," AND AMEND AND REORDAIN SEC. 22-58, "CONTENT;" SEC. 22-77, "CONTENT;" AND SEC. 28-35, TABLE 3.1 DISTRICT USES AND STANDARDS, TO REMOVE CLUSTER REGULATIONS

WHEREAS, Virginia Code § 15.2-2286.1, requires certain localities to make provisions for cluster development; and

WHEREAS, Stafford County has provisions for cluster development; and

WHEREAS, Cluster development is currently permitted in the A-1, Agricultural; A-2, Rural Residential; and R-1, Suburban Residential Zoning Districts; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony of the public, if any, at the public hearing; and

WHEREAS, the Board desires to repeal the cluster development regulations, while working on new regulations that ensure quality development, address citizen's concerns, and better meet the goals and objectives of the Comprehensive Plan; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good planning and zoning practices require adoption of this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the      day of      , 2018, that Stafford County Code Sec. 22-58, "Content;" Sec. 22-77, "Content;" and Sec. 28-35, Table 3.1. District Uses and Standards, be and they hereby are amended and reordained as followings, and Stafford County Code, Article IX, Cluster Subdivision, be and it hereby is repealed, all other portion of the County Code remaining unchanged:

**Sec. 22-58. - Content.**

The preliminary plan shall include the following:

~~(13) Open space land in a cluster subdivision:-~~

- ~~a. The use, method of maintenance, and ownership of the dedicated open space land shall be specified on the preliminary subdivision plan and recorded subdivision plat. The use shall comply with the regulations of the underlying zoning district and shall be subject to guidelines as set forth by the appropriate state agency or department.~~
- ~~b. If the open space land is dedicated to park or recreational use, the use shall conform to the policy guidelines for parks and recreation in Stafford County.~~

**Sec. 22-77. - Content.**

~~(m) Open space land in a cluster subdivision:-~~

- ~~(1) The use, method of maintenance, and ownership of the dedicated open space land shall be specified on the construction plan and recorded subdivision plat. The use shall comply with the regulations of the underlying zoning district and shall be subject to guidelines as set forth by the appropriate state agency or department.~~
- ~~(2) If the open space land is dedicated to park or recreational use, the use shall conform to the policy guidelines for parks and recreation in Stafford County.~~

**ARTICLE IX. -- CLUSTER SUBDIVISIONS**

~~Sec. 22-266. -- Legislative intent. ---~~

~~The purpose of the cluster development provision is to encourage housing developments that concentrate the location of dwellings in specific areas on a site to allow the remaining land, designated as open space land, to be preserved for park or recreational purposes; conservation of land or other natural resources; historic or scenic purposes; assisting in the shaping of the character, direction, and timing of community development; wetlands; or agricultural and forestal production.~~

~~Sec. 22-267. -- Open space land regulations.~~

~~The percentage of land required as open space for a cluster subdivision is stated in the zoning ordinance (County Code, chapter 28), within the districts in which cluster subdivisions are permitted. The required open space land shall be used as defined in the definitions, and owned and maintained by~~

~~a home owners association, a conservation association, an individual or any entity that can comply with the regulations of this chapter and chapter 28 of the County Code. The required open space land for a cluster subdivision shall not be used to satisfy any buffer requirements.~~

~~All cluster subdivision plans shall be reviewed by the subdivision agent or his designee for compliance with the provisions of this chapter and chapter 28 of the County Code. This shall include review of the open space land and its designated use for compliance with applicable industry and county standards for minimum area, configuration, functionality, and other requirements for such use and to ensure it furthers the goals, policies and objectives of the comprehensive plan.~~

**~~Sec. 22-268. – Maintenance and ownership of open space land.~~**

~~(a) *Homeowners' association or conservation association.* If either of these associations is to assume ownership of the open space land, then it shall bear all responsibility for maintenance of the land and all structures thereon. There shall be restrictive covenants recorded which prohibit the use of the subject land for any purpose other than what is designated as open space land in this chapter. Such covenants shall run with the land and shall become part of the deed to each lot or parcel within the development. Such covenants shall be recorded in the county land records simultaneously with, or prior to, the recordation of the subdivision plat.~~

~~(b) *Individual property owner.* If the open space land is to be owned by an individual, then he or she shall bear all responsibility for maintenance of the land and there shall be restrictive covenants recorded which prohibit the use of the subject land for any purpose other than what is designated as open space land in this chapter. Such covenants shall run with the land and shall become part of the deed to each lot or parcel within the development. Such covenants shall be recorded in the county land records simultaneously with, or prior to, the recordation of the subdivision plat.~~

**~~Sec. 22-269. – Access requirements for a cluster subdivision plan.~~**

~~Any access through the dedicated open space land may be mitigated to lessen the impact on the open space land.~~

**~~Sec. 22-270. – Review and approval of cluster subdivision plans.~~**

~~The review and approval of a developer's plans for a cluster subdivision shall follow the following steps:~~

~~(1) *Concept plans.* The applicant shall submit a concept plan of the proposed cluster subdivision for development proposals creating fifty one (51) or more lots, and may submit a concept plan of the proposed cluster subdivision for development proposals creating fifty (50) or fewer lots showing the designated open space land, the intended use for the open space land, and the lot and street layout. The plan shall comply with the submission requirements as stated in the checklist included in the department of planning and zoning application for cluster subdivision concept plan and all other applicable County Code requirements. The plan will be reviewed by the subdivision agent or his designee for compliance with the cluster provisions of this chapter and chapter 28 of the County Code. If the concept plan is approved, the applicant must then submit a preliminary subdivision plan~~

~~for review for development proposals creating fifty one (51) or more lots, or may submit a preliminary subdivision plan for development proposals creating fifty (50) or fewer lots.~~

~~(2) Preliminary plan: Following the endorsement of the cluster concept plan by the subdivision agent or his designee, the applicant shall submit a preliminary subdivision plan under the requirements of article III of chapter 22 of the County Code.~~

~~(3) Construction plans: The requirement for the submission and approval of construction plans shall be the same as in article III of chapter 22 of the County Code.~~

~~(4) Final plats: The requirement for the submission of final plats shall be the same as in article III of chapter 22 of the County Code. On a cluster subdivision plat, the required open space land shall be clearly marked, the use stated, and the party responsible for owning and maintaining the open space be provided.~~

**Sec. 28-35. - Table of uses and standards.**

**Table 3.1. District Uses and Standards**

*A-1 Agricultural.*

(d) *Requirements:*

(1) *Intensity:*

~~Open space requirement for cluster subdivision = fifty (50) percent of total subdivision tract.~~

(2) *Minimum lot area (acres):*

~~Cluster subdivision ..... 1.5~~

(4) *Minimum yards: (Feet)*

~~Cluster subdivision:~~

~~Front ..... 40~~

~~Side ..... 10~~

~~Rear ..... 35~~

(6) *Minimum lot width (in feet):*

~~Cluster subdivision ..... 100~~

*A-2 Rural Residential.*

(c) *Requirements:*

(1) *Intensity:*

~~Open space requirement for cluster subdivision = thirty (30) percent of total subdivision tract.~~

(2) *Minimum lot area (acres):*

~~Cluster subdivision ..... 0.7~~

(3) *Minimum yards: (Feet)*

~~Cluster subdivision:~~

~~Front ..... 30~~

~~Side ..... 10~~

~~Rear ..... 25~~

(5) *Minimum lot width (in feet):*

~~Cluster subdivision: ..... 80~~

*R-1 Suburban Residential.*

(b) *Conditional use permit:*

~~Cluster subdivision, maximum density 2.25 du/acre.~~

(d) *Requirements:*

(1) *Intensity:*

~~Allowable density for cluster subdivision (see conditional use permit) ..... 1.5 du/ae~~

~~Open space requirement for cluster subdivision = thirty (30) percent of total subdivision tract.~~

(2) *Minimum yards: (Feet)*

~~Cluster subdivision:~~

~~Front ..... 30~~

~~Side ..... min. 8 total 18~~

~~Rear ..... 25~~

~~Minimum lot size ..... 8,000 s.f.~~

(4) *Minimum lot width (feet):*

~~Cluster subdivision: ..... 60~~

*R-2 Urban Residential—Medium Density.*

(a) *Uses permitted by right:*

~~Cluster development.~~

*R-3 Urban Residential—High Density.*

(a) *Uses permitted by right:*

~~Cluster development.~~