

BOARD OF SUPERVISORS
 COUNTY OF YORK
 YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 16th of September, 2025:

<u>Present</u>	<u>Vote</u>
Sheila S. Noll, Chairman	Yea
Douglas R. Holroyd, Vice Chairman	Yea
M. Wayne Drewry	Yea
G. Stephen Roane, Jr.	Yea
Thomas G. Shepperd, Jr.	Yea

On motion of Mr. Shepperd, which carried 5:0, the following ordinance was adopted:

AN ORDINANCE APPROVING AMENDMENTS TO THE RECREATION AREA STANDARDS WITHIN SECTION 24.1-361, PDR-PLANNED DEVELOPMENT-RESIDENTIAL DISTRICT AND SECTION 24.1-361.1, PDMU-PLANNED DEVELOPMENT MIXED USE DISTRICT, AND ALSO APPROVING AMENDMENTS TO SECTION 24.1-402, STANDARDS FOR OPEN SPACE DEVELOPMENT (CLUSTER TECHNIQUES), YORK COUNTY ZONING ORDINANCE, YORK COUNTY CODE

WHEREAS, pursuant to Section 24.1-113(a)(2) of the York County Zoning Ordinance, amendments to the Zoning Ordinance may be initiated by the York County Planning Commission whenever the public necessity, convenience, general welfare, or good zoning practice so requires; and

WHEREAS, the Commission determined that in accordance with good zoning practice, it is necessary to amend the recreation area standards within York County Zoning Ordinance Sections 24.1-361, *PDR-planned development-residential district* and 24.1-361.1, *PDMU-planned development mixed use district*, and to also amend the performance standards within Section 24.1-402, *Standards for open space development (cluster techniques)*; and

WHEREAS, said amendments have been considered by the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of these amendments; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on these amendments; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to these amendments.

NOW, THEREFORE BE IT ORDAINED by the York County Board of Supervisors this the 16th day of September, 2025, that it does hereby approve Application No. ZT-211-25 to amend Section 24.1-361, *PDR-Planned development-Residential district*, Section 24.1-361.1, *PDMU-Planned development mixed use district*, and Section 24.1-402, *Standards for open space development (cluster techniques)*, of the York County Zoning Ordinance, to read and provide as follows:

Sec. 24.1-361. PDR—Planned development—Residential district.

(e) *Open space and recreation area requirements.*

- (1) Unless specifically excepted in accordance with the criteria established in section 24.1-361(g), a minimum of twenty-five percent (25%) of the total gross land area of any PDR development shall be conserved as open space which shall be preserved and maintained for use by those who live or work within the development or other persons or groups as the property owners association may allow. Land areas containing thirty percent (30%) or greater naturally-occurring slopes, non-tidal wetlands, existing and proposed public or private utility easements greater than twenty feet (20') in width, or stormwater management ponds or basins, may be counted towards the open space requirement.
- (2) Unless specifically excepted in accordance with the criteria established in section 24.1-361(g), an area equal to a minimum of fifteen percent (15%) of the total gross area of the residential portions of any PDR development shall be reserved and developed specifically as a recreation area, or areas, set aside for the common use of the residents of the planned development. The required recreation space shall be considered part of the twenty-five percent (25%) conserved open space reservation required in subsection (e)(1)above; however, any open space containing thirty percent (30%) or greater naturally-occurring slopes, non-tidal wetlands, and/or existing and proposed public or private utility easements greater than twenty feet (20') in width, shall not be considered part of the required recreation area.
- (3) Unless otherwise excepted by the board, recreation areas shall be provided in accordance with the following standards and such others as the board deems appropriate:
 - a. The recreation area reserved shall be in one centrally located contiguous parcel and be suitable to accommodate a combination of active and passive

recreational activities appropriate for the residents of the development. However, depending upon the size and scope of the development, recreation areas may be set aside in two or more parcels in order to improve the accessibility of such recreation areas from all housing units in the development.

- b. The recreation area shall be easily and safely accessible by pedestrians and bicyclists from all areas of the development to be served, shall have safe and level ingress and egress, including separate pedestrian and bicycle accommodations, and shall have adequate frontage on a platted road; however, no platted road shall traverse the recreation area.
- c. The recreation area reserved shall be located so that essential utilities including public water, public sewage, and power will be easily accessible to serve planned and potential future recreational facility development.
- d. The recreation area shall not be encumbered by transmission lines and utility easements more than twenty feet (20') in width.
- e. The recreation area shall contain facilities and amenities which are functional, not solely retention/detention basin-like in design. Retention basins used in conjunction with recreational facilities or amenities shall be designed to include low fencing, vegetative landscaping, gentle slopes, pedestrian access and seating, and a fountain or other visible water feature.
- f. At a minimum and unless the market orientation (as evidenced by restrictive covenants or other document deemed sufficient by the board) clearly dictates otherwise, the following "core recreation facilities" shall be constructed:
 - 1. *Active recreation area*; land and facilities used for active recreational purposes such as a playground, ballfield, tennis/pickleball court, swimming pool/splash pad, community building/clubhouse, and/or a multi-purpose activity field.

DWELLING UNITS			MINIMUM PARKING SPACES REQUIRED FOR ACTIVE RECREATION AREA
200-399			30
400-599			35
600-799			40
800-999			45
1,000+			45 plus 1 space/15

			dwelling units in excess of 999
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2. *Passive recreation area*; Formally planned and regularly maintained open areas that contain dog parks, community gardens, gazebos, picnic shelters, or similar structures.
 - 3 Pedestrian walkways and/or multiuse trails which provide safe and convenient common area access to the recreation area from throughout the community and provide connections to adjacent public streets. Pedestrian walkways within recreational areas shall be constructed of stone-dust surface with durable edging, at minimum. Multiuse trails shall be paved with asphalt and include appropriate bicycle parking accommodations.
- g. Other recreational facilities offering the same or greater recreational and fitness value may be proposed in lieu of the above.
 - h. In approving a PD, the board may require that additional facilities be provided for the residents of the community.
- (4) With approval of the board, the minimum amount of land required for recreation area may be reduced in order to compensate for reservation of waterfront property which has added recreational value, provided, however, that the recreational value of the waterfront property must, in the opinion of the board, be at least equal to the recreational value of non-waterfront land (meeting all of the above standards) which could have otherwise been set aside for a recreation area. In this regard, recreation acreage reduction is not to be granted based on the size or value of the water body, but on the recreational value of the waterfront property itself. No more than a twenty-five percent (25%) reduction may be granted for waterfront property.
 - (5) Common open space (including the recreation area) as required above shall be protected by appropriate restrictions or other methods, developed in accordance with the provisions established in article IV-division 17 of this chapter, and designed to ensure perpetuation and maintenance.
- (f) *Special design requirements.*
- (1) To the extent that streets are private rather than public, the developer shall submit assurances satisfactory to the board that a properly constituted property owners association will be responsible for the perpetuation and maintenance of such streets. Such assurances shall be developed in accordance with the provisions of article IV-division 17 of this chapter.
 - (2) Private streets shall be designed and constructed in accordance with the criteria prescribed by the Virginia Department of Transportation (VDOT) for the particular functional classification of the street, or, in the event the developer proposes an alternate design, to such other specifications as are approved for use by the board in consideration of the anticipated function and character of such

street resident and visitor parking spaces, and shall only be permitted on a street that is designed and constructed to meet the minimum VDOT design requirements for pavement and right-of-way width permitting parking on one or both sides of a street.

- (3) The entire development shall be served by safe and convenient pedestrian walkways along both sides of internal streets which form a logical circulation system and connect to planned or existing facilities outside the development.
- (4) The board may impose such other conditions as it deems necessary on any development proposed under the terms of this section in recognition of any unique circumstances surrounding the particular proposal or the area in which it is proposed, and in order to ensure the protection of the health, safety and general welfare of the public and the preservation of property values.

(g) *Affordable housing incentive provisions.* In recognition of the objectives established in the comprehensive plan with respect to promotion and encouragement of a more moderately-priced single-family housing product, the following standards and criteria, to be known as the "Affordable Housing Incentive Provisions," are hereby established:

- (1) Where a developer proposes the construction of a planned development project, all or a portion of which will consist primarily of detached dwelling units approved by the board in recognition of their potential for price moderation (i.e., below market average prices) such project may be submitted for consideration by the commission and the board in accordance with the following minimum design criteria, notwithstanding any provisions to the contrary set forth elsewhere in the PDR regulations:
 - a. Where the individual residential lots within a planned development are proposed to be at least seven thousand five hundred (7,500) square feet in area, the twenty-five percent (25%) common open space and fifteen percent (15%) recreation space ratio otherwise required herein may be reduced upon recommendation of the commission and subject to approval by the board. Where individual lots are proposed to consist of less than seven thousand five hundred (7,500) square feet in area, common open space and recreation space shall be provided within the development at a minimum ratio of four hundred (400) square feet per lot.

Sec. 24.1-361.1. PDMU—Planned development mixed use district.

(g) *Open space and recreation area requirements.*

- (1) A minimum of ten percent (10%) of the total gross area of any PDMU development shall be reserved as open space designed and improved or maintained for use by those who live or work within the development or such other persons or groups as the property owners association may allow. Such space shall be arranged in one or more centrally located green space areas, a central "town square" or similar areas that serve as both visual and activity focal points for the development. Safe and level pedestrian connections shall be provided to all areas of the development to link the components of the development.
- (2) One or more recreation areas or facilities shall be incorporated into the development for the common use of the residents. Depending on the type and market orientation of the residential units within the development, such recreational areas or facilities may include active or passive, indoor or outdoor activities/facilities. The development concept plan and community impact study shall depict the proposed recreational facilities and document their appropriateness and adequacy, respectively.
- (3) Developments containing multifamily dwellings shall comply with the open space and recreation area requirements provided in Section 24.1-404, *standards for multifamily dwellings*.
- (4) Common open space (including the recreation area) as required above shall be protected by appropriate restrictions or other methods, developed in accordance with the provisions established in article IV-division 17 of this chapter, and designed to ensure perpetuation and maintenance.

Sec. 24.1-402. Standards for open space development (cluster techniques).

- (a) In those districts where permitted, cluster techniques may be utilized to create open space developments, provided that a minimum gross land area of five (5) acres is available and utilized. Acreage that is continually inundated, or which is subaqueous, shall not be counted as "land area" for the purposes of this section. An addition to an existing open space development may be less than five (5) acres only if the zoning administrator finds that such an addition forms a logical extension.
- (b) Density calculations shall be based on net developable acreage as determined by section 24.1-203 of this chapter and the following formula:

Lot Yield =	$\frac{\text{Net Developable Acreage} \times \text{SR}}{\text{Minimum Conventional Lot Size of the Zoning District (Acres)}}$
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Where /_{SR} is a reduction factor to account for streets and recreation space required in conventional subdivisions and is based on the zoning districts in which the proposed development is to be located:

District	/ _{SR}
RC	0.875
RR	0.850
R33	0.850
R20	0.825
R13	0.800

Fractional units may be rounded up to the next whole number.

(c) *Layout, open space, and recreational area requirements.*

Minimum Requirements	
External Setbacks	
From External Streets	As prescribed in underlying zoning district
From Property Line (Perimeter)	Same as conventional development ^{(1) (2)}
Internal Setbacks/Dimensions	
Front Yard (From Internal Streets)	Thirty feet (30')
Side Yard	Ten feet (10')
Rear Yard	Twenty feet (20')
Distance Between Principal Buildings	Twenty feet (20')
Lot Width & Area	No requirements
Special Conditions	
Lots Abutting Exterior Boundary	Must match underlying zoning requirement for minimum lot size, setbacks, and width ⁽¹⁾
Flag Lots	Per Section 24.1-202(c)
Accessory Buildings	Per Section 24.1-273
Common Open Space	Forty percent (40%) of gross land area
Recreational Area	Seven and a half percent (7.5%) of common open space ⁽³⁾
<p>(1) Unless abutting another open space development or separated by an open space strip not less than forty-five feet (45').</p> <p>(2) Applicable to any open space development receiving Preliminary Plan approval after October 20, 2009.</p>	

(3) Recreation areas shall not abut the exterior boundary of the open space development.

- (1) Any open space buffer strip used to satisfy the dimensional requirements in the chart above shall be landscaped to meet Type 35 Transitional Buffer standards, as established in section 24.1-243, *Transitional buffers*. The buffer strip shall not be used to accommodate stormwater management facilities.
 - (2) All areas not included in lots or street rights-of-way shall be incorporated into common open space.
 - (3) The common open space shall be arranged and designed so as to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. Failure to achieve these goals shall be sufficient reason for the zoning administrator to deny applications for open space development plan approval or to require modifications which may include loss of lots.
 - (4) Recreational space as required in this subsection shall contain both active and passive recreation areas. Active recreation area shall consist of land and facilities used for active recreational purposes, such as a playground/tot lot, tennis/pickleball court, swimming pool/splash pad, community building/clubhouse, and/or an activity field. Passive recreation areas shall consist of planned and regularly maintained open areas that contain amenities such as dog parks, community gardens, gazebos, picnic shelters, or similar facilities. All required recreation areas shall be suitable and appropriate to the size, scale, and market orientation of the development. Recreational facilities shall either be constructed or guaranteed for construction through an agreement and surety acceptable to the county attorney prior to the platting of any lots over fifty percent (50%) of the total number authorized in the open space development.
 - (5) Pedestrian and bicycle facilities shall be provided which fully interconnect the development and its recreation areas both internally and with existing and planned external pedestrian and bicycle facilities. Sidewalks shall be located on both sides of each street.
 - (6) For open space developments equal to or greater than ten (10) gross acres in size, development density may be increased if recreation area in excess of the 7.5% prescribed by the York County subdivision ordinance, Chapter 20.5, is provided and developed. Density increases shall be limited to a maximum of ten percent (10%) and shall be granted in increments of one percent (1%) for each additional two percent (2%) increment of recreation space.
- (d) In open space developments where the gross land area of the parent tract is less than ten (10) acres, all street rights-of-way shall be platted and dedicated for public use and designed in accordance with the provisions of York County Subdivision Ordinance Chapter 20.5, Article VI, Division 2, *Streets and Roads*.

- (e) Applications for open space developments shall be made in the same manner as prescribed for conventional subdivisions in the York County Subdivision Ordinance, Chapter 20.5.
- (f) Final plats recorded for an open space development utilizing the cluster technique and all deeds for lots within such development shall bear a statement indicating that the land is within an approved residential open space (cluster) subdivision and shall also bear a statement indicating the ownership status of the development's open space system. The statement shall reference the covenants creating a property owners association, with such covenants to be recorded at the time final plats are put to record.

A Copy Teste:



Heather L. Schott, MMC
Deputy Clerk