



# STAFF REPORT

<b>PC Meeting Date:</b>	March 17, 2021
<b>Agenda Title:</b>	Zoning Text Amendment #DPA2017-00009, Conservation Residential
<b>District Impact:</b>	Countywide
<b>Requested Action:</b>	Recommend Approval of Zoning Text Amendment #DPA2017-00009, Conservation Residential
<b>Department:</b>	Planning Office
<b>Case Planner:</b>	David J. McGettigan, AICP

## **EXECUTIVE SUMMARY**

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This is a request to create a two new Conservation Residential zoning district: CR-3 and CR-5.

The CR, Conservation Residential Districts are intended to directly implement new policies and action strategies identified in #CPA2018-00009 and will complement and supplement existing Comprehensive Plan policies, land use regulations, resource protection efforts, and open space acquisition programs. It encourages residential density where it can best be accommodated with the least impact on the natural environment and public services by:

- Providing a predictable incentive process for property owners of rural and agricultural land to preserve lands with a public benefit;
- Implementing the Comprehensive Plan by directing residential land uses to appropriate areas; and
- Providing property owners with alternative development options that are environmentally sensitive and support county wide goals for the permanent protection and preservation of agricultural or forestal lands, passive recreation, or open space.

More tools are needed in the Rural Area land preservation and land development toolboxes, to give more choices and options to permanently protect and preserve open space in the County.

It is the recommendation of staff that the Planning Commission recommend approval of Zoning Text Amendment #DPA2016-00009, Conservation Residential, to the Board of County Supervisors, contingent upon the approval of #CPA2018-00009.

**BACKGROUND**

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- A. Purpose of the Zoning Ordinance - Under § 15.2-2283 of the Code of Virginia, the zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Rural Preservation Study - On July 8, 2014, through DIR 14-82, the BOCS directed staff to review the Zoning Ordinance to implement some of the recommendations of the Rural Preservation Study. The purpose of the rural preservation study was to provide an overview of the County's rural preservation policies and an evaluation of their effectiveness; identify additional rural preservation tools that may be appropriate and effective; and make recommendations regarding possible amendments to the County's land use planning policies. The study was completed and presented to the BOCS on May 6, 2014. Several of the study's recommendations relate directly to elements of the Comprehensive Plan (e.g., land use, open space, infrastructure, etc.)
- C. Existing Comprehensive Plan - Numerous existing long-range policies call for the review and development of policies to support the County's open space, environmental, and land use policies. (Open Space Policy 4, Open Space Policy 5, Environment Policy 3, Long Range Land Use Policy 2)
- D. Sewer Policy - As established in #CPA2018-00009, it might be appropriate to extend sewer to meet other goals of the comprehensive plan such as environmental protection, watershed protection, or agricultural preservation. CR, Conservation Residential zoning districts would directly implement the Conservation Residential Long-Range Land Use designation. Conservation Residential designated areas in the Comprehensive Plan are shown to be appropriate areas for public sewer extension.
- E. Current Zoning Ordinance Language - The current Zoning Ordinance provides for Rural Cluster Developments (Sec. 32-300.40) on A-1 properties; however it is underutilized and the Board initiated a Zoning Text Amendment to amend the rural cluster development standard to make it more viable for the purpose of permanently protection land from being developed. The Conservation Residential zoning district as designed, offers a new and alternative way to rural clustering. It provides alternative developments option/opportunity for the County to support conservation and preservation in the Rural Area. This tool would provide an opportunity to permanently preserve open space and farmland in areas that would not have otherwise in the rural area.
- F. Proposed Recommendations - The Board of County Supervisors directed the Planning Office to bring forward recommendations from the Rural Preservation Study (2014). The first recommendation of the Study was to adopt a vision. Additional recommendations of the 2014 Rural Preservation Study include implementing (existing) policies to incentivize and encourage land preservation through Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), rural cluster with dedication of permanent conservation easements, and

policies aimed at studying and stimulating a rural economy. Staff prepared and posted on the Planning Office webpage a draft document and associated draft language entitled, "Summary of Staff Recommendation: Rural Preservation" dated September 17, 2019.

- G. Purpose and Intent of the Conservation Residential District -CR-1 – This district is intended to provide a rural cluster zoning for the purposes of permanent conservation of protected open space within appropriate areas of the County. The district is designed to require preservation of the natural environment in order to facilitate a connected open space and trail network between the rural and development areas, land for farming purposes, passive recreation, preservation of bucolic viewsheds and other uses deemed to further the Rural Area Vision.
- H. Major Points of Proposed Text Language – The intent is to provide for rural cluster residential development toward specific areas as identified in the Comprehensive Plan and allow access to public sewer, for the purpose of preserving and connecting open spaces, connecting trail and passive recreation networks, and preserving farmland. In an Agriculture and Forest Rural Character Area the of the Comprehensive Plan CR-5 should be utilized. The maximum density of the CR-5 zoning district is one dwelling unit per five acres. In the Estate and Subdivision, CR-3 should be utilized. the maximum density of the CR-3 zoning district is one dwelling unit per three acres. The open space requirement is 60% placed in a permanent conservation easement. The minimum district size is 40 acres. (See proposed language attached.)

**CURRENT SITUATION**

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- A. Initiation of Comprehensive Update – Under Section 15.2-2229 of the Virginia Code, the Board of County Supervisors may consider amendments to the Comprehensive Plan. On August 3, 2016, the Board approved the proposed scope of work for comprehensive plan amendments which included incorporating recommendations from existing studies such as the Rural Preservations Study. (RES NO. 16-647)
- B. Comprehensive Plan Update Community Conversations – The Planning Office held a series of Community Conversations public meetings on the Comprehensive Plan Update. The meetings were held on October 30, 2018, November 13, 2018, and November 14, 2018. Opportunities for feedback on the development of the Rural Area Plan, along with other elements of the Comprehensive Plan, were made available through direct feedback to staff members and through use of a mobile application designed specifically for public engagement related to the Comprehensive Plan update.
- C. Community Engagement Sessions – The Planning Office held a series of Community Engagement public meetings on the Rural Area Plan. The meetings were held on June 24, 2019, July 30, 2019, and September 24, 2019, to gather stakeholder ideas and thoughts on the Rural Area and to distribute information and answer questions regarding the staff recommendations for rural preservation.

The stakeholders represented a large cross-section of groups with varying interests in the rural policies of Prince William County and provided a broad perspective on the many issues the County faces with planning for rural preservation.

- D. Proposed language – Draft language for the CR, Conservation Residential zoning districts and corresponding map amendment identifying the four conservation residential areas was published on the project website on September 17, 2019, and notifications were sent to all who subscribe to PWC Alerts.

A project website was developed and maintained by the Planning Office throughout the project. This website included all project information including meeting materials, maps, survey results, presentations, etc. Notification of the public meetings was provided on the project website, the County's homepage, and through newspaper advertising.

- E. Planning Commission Work Session and Public Meeting – The Planning Commission held work sessions on the proposed language on October 23, 2019, November 13, 2019 and December 2, 2020.
- F. Planning Commission Public Hearing – A public hearing before the Planning Commission has been properly advertised for March 17, 2021.

## **STAFF RECOMMENDATION**

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The Planning Office recommends approval of Zoning Text Amendment #DPA2016-00007, Conservation Residential for the following reasons:

- CR-3 and CR-5 are intended to implement the Conservation Residential Long-Range Land Use designation.
- It complements and supplements existing Comprehensive Plan policies, land use regulations, resource protection efforts, and open space acquisition programs.
- Incentivizes clustering to ensure 60% of properties are permanently conserved.
- It is designed to preserve the natural environment while still providing avenues for connected open space and trail network, land for farming purposes, passive recreation, preservation of bucolic viewsheds and other uses deemed to further the Rural Area vision.

### **Community Input**

As required by § 15.2-2204, Code of Virginia, notice of the Zoning Text Amendment has been advertised and the proposed amendment has been published on the Prince William County government web site and has been available in the Planning Office. The Planning Office also received feedback during public meetings held June 24, 2019, July 30, 2019, and September 24, 2019.

The Planning Office has received hundreds of emails (reflected in a 281-page spread sheet posted on the webpage) and also received feedback through response cards which were completed by participants at the July 30, 2019 Community Feedback meeting. Copies of the responses received are located on our web page, <https://www.pwcgov.org/government/dept/planning/Pages/Rural-Area-Plan.aspx>.

The comments ranged from strongly agree to strongly disagree where some residents confirmed their desire for no change to current rural policy while others supported a wholesale adoption of the Rural Preservation Study Recommendations. There was significant feedback for “no change” to the rural policies. Additionally, a majority of participants did not support the CR-1, Conservation Residential zoning text amendment.

### **Legal Issues**

Legal issues, if any, are appropriately addressed through the County Attorney's Office.

### **Timing**

The Planning Commission has until June 15, 2021, 90 days from the first public hearing, to take action on this proposal. A recommendation to adopt the Zoning Text Amendment would meet the 90-day requirement.

**STAFF CONTACT INFORMATION**

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**ATTACHMENTS**

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Conservation Residential Zoning Districts [Clean]  
Conservation Residential Zoning Districts [Strikethrough/Underline]  
Area Maps (As shown in #CPA2018-00009, Rural Area Plan)  
Staff Analysis  
BOCS Initiating Resolution

# Conservation Residential Zoning Districts [Clean]

## Part 302 Semi-Rural Residential Districts

### **Sec. 32-302.31. - Conservation Residential District – CR-3**

Purpose and intent: The CR-3 Conservation Residential District is intended to provide a rural cluster zoning for the purposes of permanent conservation of protected open space within appropriate areas of the County. The district is designed to require preservation of the natural environment in order to facilitate a connected open space and trail network between the rural and development areas, land for farming purposes, passive recreation, preservation of bucolic viewsheds, and other uses that further the Rural Area Vision. The intent is to cluster residential development toward specific areas as identified in the Comprehensive Plan and allow access to public sewer, for the purpose of preserving and connecting open spaces, connecting trail and passive recreation networks, and preserving farmland.

#### **CR-3 Conservation Residential - Estates and Subdivisions:**

##### **Minimum Density: One dwelling unit per three acres.**

The CR-3 zoning district implements the Conservation Residential classification in the Comprehensive Plan. It is intended to be implemented only in areas designated Conservation Residential with a rural character of Agriculture and Forest as shown on the Rural Character Area Map in the Comprehensive Plan

To incentivize clustering, the permitted density is one dwelling per three (3) acres, inclusive of environmental resource areas, with no single lot being less than one acre. The open space requirement is 60 percent. Open space shall be placed in a permanent conservation easement. Easement terms may include passive recreation, forest, farming and agricultural activities, and similar uses.

Extension(s) of public sewer in the Rural Area are permitted only through a Conservation Residential (CR-3) rezoning and in areas designated as Residential Conservation on the Long Range Land Use Plan.

### **Sec. 32-302.32. - Uses Permitted by Right – Residential Lots**

1. On lots two acres or greater, Agritourism and Arts activities, as allowed and defined in this chapter.
2. Group home, as defined by Code of Virginia, § 15.2-2291, including group residences for ambulatory elderly persons, whether or not special accommodations are required, but shall not include nursing homes or hospitals.
3. Home employment, subject to standards in section 32-300.16.
4. Home occupation, subject to standards in section 32-300.07.2.
5. Home sales office, subject to standards in section 32-300.07.1.
6. Noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs), pursuant to the standards of section 32-300.02.8.
7. Keeping of domestic fowl, subject to the provisions of the Domestic Fowl Overlay District Section 32-508.01 et seq.
8. Single-family dwelling (one per lot).

### **Sec. 32-302.33. - Special Uses – Residential Lots**

## Conservation Residential Zoning Districts [Clean]

1. Adaptive reuse of a historic building, subject to the standards of section 32-300.07.11.
2. Agritourism and Arts activities, that do not meet the performance standards of the Arts and Agritourism Overlay District of this chapter.
3. Bed and breakfast, subject to the standards of section 32-300.15.
4. Commercial kennels.
5. Recovery home, subject to the standards of section 32-300.07.9.
6. Rural home business, subject to the standards of section 32-300.14.

### **Sec. 32-302.34. - Uses Permitted by Right – Open Space Parcels**

1. Except for the keeping of domestic fowl as regulated in Part 508 of this chapter, agricultural uses, the keeping of livestock, fishery uses, farm wineries and breweries with limited brewery licenses in accordance with section 32-300.07.10, on lots two acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domestic equines provided in subsection 32-300.02.6. shall not apply for lots ten acres or larger in size. Accessory structures such as, but not limited to, barns, sheds, and stables shall be permitted as required for bona fide agricultural uses.
2. Agritourism uses.
3. Passive recreation.
4. Open space.
5. Adaptive reuse of a historic building, secondary to a permitted use, subject to the standards of section 32-300.07.11.

### **Sec. 32-302.35. - Development Standards**

1. The minimum district size is 40 acres.
2. Minimum lot area is one acre provided the overall density does not exceed what is allowed above.
3. Sixty percent (60%) of the rezoning area shall be preserved, undisturbed open space when existing forested areas are present, separate from the residential lots, which may include passive recreation uses such as trails and parks as well as permitted agricultural activities.
4. Lots may connect to public sewer.
5. Lots shall use an internal and connected road network to minimize independent driveway access points to the primary public road.
6. Pipestem lots are not permitted.
7. A minimum 50-foot type C buffer shall be provided along the perimeter of the cluster development, and existing vegetation shall remain protected and undisturbed within the buffer area and count toward the planting requirement.
8. The greatest amount of open space shall be located adjacent to the Agricultural and Estates designation of the Rural Area (or lowest density adjacent development, whichever is the least dense), connect to public parks, trails, or open space corridors, protect environmentally-sensitive land, and provide connections to other existing protected open space.



## Conservation Residential Zoning Districts [Clean]

9. A conservation easement shall be dedicated over the conservation or preservation area abutting the Rural Area which strictly prohibits crossing or traversing of utility easements for public sewer.
10. The rezoning request is conformance with the Rural Area Plan of the Comprehensive Plan, including specifically-identified open space and trails corridors.
11. Lots shall have a minimum lot width of 100 feet or shall have at least 100 feet of width at the setback line and be served by a private road. Lots created after November 21, 1991, shall have access to a street via an exclusive and unobstructed easement not less than 18 feet in width unless served by a public or private road. If served by a private road, the following conditions shall be met:

(a) The road width and design shall comply with the Design and Construction Standards Manual.

(b) The road shall be used only to serve permitted CR-3 uses and the road right-of-way shall be zoned CR-3. When any such road is accepted by the state for permanent maintenance, the provisions of this subsection shall no longer apply, provided that such road is consistent with the Comprehensive Plan.

(c) Lots shall not have a depth greater than three times its width.

### **Sec. 32-302.36. - Setbacks**

1. All buildings, including accessory structures, shall be set back at least 35 feet from the front lot line, all streets, all private access easements, and all rights-of-way.
2. On open space parcels greater than three acres, any agriculturally-related accessory structure shall be located no closer than 35 feet from the right-of-way.
3. The minimum rear setback shall be 25 feet.
4. The minimum side setback shall be 15 feet.

### **Sec. 32-302.41. - Conservation Residential District – CR-5**

Purpose and intent: The CR-5 Conservation Residential District is intended to provide a rural cluster zoning for the purposes of permanent conservation of protected open space within appropriate areas of the County. The district is designed to require preservation of the natural environment in order to facilitate a connected open space and trail network between the rural and development areas, land for farming purposes, passive recreation, preservation of bucolic viewsheds, and other uses that further the Rural Area Vision. The intent is to cluster residential development toward specific areas as identified in the Comprehensive Plan and allow access to public sewer, for the purpose of preserving and connecting open spaces, connecting trail and passive recreation networks, and preserving farmland.

#### **i. CR-5 Conservation Residential - Agriculture and Forest rural character area:**

**Minimum Density: One dwelling unit per five acres.**

## Conservation Residential Zoning Districts [Clean]

The CR-5 zoning district implements the Conservation Residential classification in the Comprehensive Plan. It is intended to be implemented only in areas designated Conservation Residential with a rural character of Agriculture and Forest as shown on the Rural Character Area Map in the Comprehensive Plan.

To incentivize clustering, the permitted density is one dwelling per five (5) acres, inclusive of environmental resource areas, with no single lot being less than one acre. The open space requirement is 60 percent. Open space shall be placed in a permanent conservation easement. Easement terms may include passive recreation, forest, farming and agricultural activities, and similar uses.

Extension(s) of public sewer in the Rural Area are permitted only through a Conservation Residential (CR-5) rezoning and in areas designated as Conservation Residential on the Long Range Land Use Plan.

### **Sec. 32-302.42. - Uses Permitted by Right – Residential Lots**

1. On lots two acres or greater, Agritourism and Arts activities, as allowed and defined in this chapter.
2. Group home, as defined by Code of Virginia, § 15.2-2291, including group residences for ambulatory elderly persons, whether or not special accommodations are required, but shall not include nursing homes or hospitals.
3. Home employment, subject to standards in section 32-300.16.
4. Home occupation, subject to standards in section 32-300.07.2.
5. Home sales office, subject to standards in section 32-300.07.1.
6. Noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs), pursuant to the standards of section 32-300.02.8.
7. Keeping of domestic fowl, subject to the provisions of the Domestic Fowl Overlay District Section 32-508.01 et seq.
8. Single-family dwelling (one per lot).

### **Sec. 32-302.43. - Special Uses – Residential Lots**

1. Adaptive reuse of a historic building, subject to the standards of section 32-300.07.11.
2. Agritourism and Arts activities, that do not meet the performance standards of the Arts and Agritourism Overlay District of this chapter.
3. Bed and breakfast, subject to the standards of section 32-300.15.
4. Commercial kennels.
5. Recovery home, subject to the standards of section 32-300.07.9.
6. Rural home business, subject to the standards of section 32-300.14.

### **Sec. 32-302.344. - Uses Permitted by Right – Open Space Parcels**

## Conservation Residential Zoning Districts [Clean]

1. Except for the keeping of domestic fowl as regulated in Part 508 of this chapter, agricultural uses, the keeping of livestock, fishery uses, farm wineries and breweries with limited brewery licenses in accordance with section 32-300.07.10, on lots two acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domestic equines provided in subsection 32-300.02.6. shall not apply for lots ten acres or larger in size. Accessory structures such as, but not limited to, barns, sheds, and stables shall be permitted as required for bona fide agricultural uses.
2. Agritourism uses.
3. Passive recreation.
4. Open space.
5. Adaptive reuse of a historic building, secondary to a permitted use, subject to the standards of section 32-300.07.11.

### **Sec. 32-302.45. - Development Standards**

1. The minimum district size is 40 acres.
2. Minimum lot area is one acre provided the overall density does not exceed what is allowed above.
3. Sixty percent (60%) of the rezoning area shall be preserved, undisturbed open space when existing forested areas are present, separate from the residential lots, which may include passive recreation uses such as trails and parks as well as permitted agricultural activities.
4. Lots may connect to public sewer.
5. Lots shall use an internal and connected road network to minimize independent driveway access points to the primary public road.
6. Pipestem lots are not permitted.
7. A minimum 50-foot type C buffer shall be provided along the perimeter of the cluster development, and existing vegetation shall remain protected and undisturbed within the buffer area and count toward the planting requirement.
8. The greatest amount of open space shall be located adjacent to the Agricultural and Estates designation of the Rural Area (or lowest density adjacent development, whichever is the least dense), connect to public parks, trails, or open space corridors, protect environmentally-sensitive land, and provide connections to other existing protected open space.
9. A conservation easement shall be dedicated over the conservation or preservation area abutting the Rural Area which strictly prohibits crossing or traversing of utility easements for public sewer.
10. The rezoning request is conformance with the Rural Area Plan of the Comprehensive Plan, including specifically-identified open space and trails corridors.

## Conservation Residential Zoning Districts [Clean]

11. Lots shall have a minimum lot width of 100 feet or shall have at least 100 feet of width at the setback line and be served by a private road. Lots created after November 21, 1991, shall have access to a street via an exclusive and unobstructed easement not less than 18 feet in width unless served by a public or private road. If served by a private road, the following conditions shall be met:

(a) The road width and design shall comply with the Design and Construction Standards Manual.

(b) The road shall be used only to serve permitted CR-54 uses and the road right-of-way shall be zoned CR-54. When any such road is accepted by the state for permanent maintenance, the provisions of this subsection shall no longer apply, provided that such road is consistent with the Comprehensive Plan.

(c) Lots shall not have a depth greater than three times its width.

### **Sec. 32-302.46. - Setbacks**

1. All buildings, including accessory structures, shall be set back at least 35 feet from the front lot line, all streets, all private access easements, and all rights-of-way.
2. On open space parcels greater than three acres, any agriculturally-related accessory structure shall be located no closer than 35 feet from the right-of-way.
3. The minimum rear setback shall be 25 feet.

# **Conservation Residential Zoning Districts [Strikethrough/Underline]**

## **Part 302 Semi-Rural Residential Districts**

### **Sec. 32-302.31. - Conservation Residential District – CR-3**

Purpose and intent: The CR-3 Conservation Residential District is intended to provide a rural cluster zoning for the purposes of permanent conservation of protected open space within appropriate areas of the County. The district is designed to require preservation of the natural environment in order to facilitate a connected open space and trail network between the rural and development areas, land for farming purposes, passive recreation, preservation of bucolic viewsheds, and other uses that further the Rural Area Vision. The intent is to cluster residential development toward specific areas as identified in the Comprehensive Plan and allow access to public sewer, for the purpose of preserving and connecting open spaces, connecting trail and passive recreation networks, and preserving farmland.

#### **CR-3 Conservation Residential - Estates and Subdivisions:**

##### **Minimum Density: One dwelling unit per three acres.**

The CR-3 zoning district implements the Conservation Residential classification in the Comprehensive Plan. It is intended to be implemented only in areas designated Conservation Residential with a rural character of Agriculture and Forest as shown on the Rural Character Area Map in the Comprehensive Plan

To incentivize clustering, the permitted density is one dwelling per three (3) acres, inclusive of environmental resource areas, with no single lot being less than one acre. The open space requirement is 60 percent. Open space shall be placed in a permanent conservation easement. Easement terms may include passive recreation, forest, farming and agricultural activities, and similar uses.

Extension(s) of public sewer in the Rural Area are permitted only through a Conservation Residential (CR-3) rezoning and in areas designated as Residential Conservation on the Long Range Land Use Plan.

### **Sec. 32-302.32. - Uses Permitted by Right – Residential Lots**

1. On lots two acres or greater, Agritourism and Arts activities, as allowed and defined in this chapter.
2. Group home, as defined by Code of Virginia, § 15.2-2291, including group residences for ambulatory elderly persons, whether or not special accommodations are required, but shall not include nursing homes or hospitals.
3. Home employment, subject to standards in section 32-300.16.
4. Home occupation, subject to standards in section 32-300.07.2.
5. Home sales office, subject to standards in section 32-300.07.1.
6. Noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs), pursuant to the standards of section 32-300.02.8.
7. Keeping of domestic fowl, subject to the provisions of the Domestic Fowl Overlay District Section 32-508.01 et seq.
8. Single-family dwelling (one per lot).

### **Sec. 32-302.33. - Special Uses – Residential Lots**

## **Conservation Residential Zoning Districts [Strikethrough/Underline]**

1. [Adaptive reuse of a historic building, subject to the standards of section 32-300.07.11.](#)
2. [Agritourism and Arts activities, that do not meet the performance standards of the Arts and Agritourism Overlay District of this chapter.](#)
3. [Bed and breakfast, subject to the standards of section 32-300.15.](#)
4. [Commercial kennels.](#)
5. [Recovery home, subject to the standards of section 32-300.07.9.](#)
6. [Rural home business, subject to the standards of section 32-300.14.](#)

### **Sec. 32-302.34. - Uses Permitted by Right – Open Space Parcels**

1. [Except for the keeping of domestic fowl as regulated in Part 508 of this chapter, agricultural uses, the keeping of livestock, fishery uses, farm wineries and breweries with limited brewery licenses in accordance with section 32-300.07.10, on lots two acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domestic equines provided in subsection 32-300.02.6. shall not apply for lots ten acres or larger in size. Accessory structures such as, but not limited to, barns, sheds, and stables shall be permitted as required for bona fide agricultural uses.](#)
2. [Agritourism uses.](#)
3. [Passive recreation.](#)
4. [Open space.](#)
5. [Adaptive reuse of a historic building, secondary to a permitted use, subject to the standards of section 32-300.07.11.](#)

### **Sec. 32-302.35. - Development Standards**

1. [The minimum district size is 40 acres.](#)
2. [Minimum lot area is one acre provided the overall density does not exceed what is allowed above.](#)
3. [Sixty percent \(60%\) of the rezoning area shall be preserved, undisturbed open space when existing forested areas are present, separate from the residential lots, which may include passive recreation uses such as trails and parks as well as permitted agricultural activities.](#)
4. [Lots may connect to public sewer.](#)
5. [Lots shall use an internal and connected road network to minimize independent driveway access points to the primary public road.](#)
6. [Pipestem lots are not permitted.](#)
7. [A minimum 50-foot type C buffer shall be provided along the perimeter of the cluster development, and existing vegetation shall remain protected and undisturbed within the buffer area and count toward the planting requirement.](#)
8. [The greatest amount of open space shall be located adjacent to the Agricultural and Estates designation of the Rural Area \(or lowest density adjacent development, whichever is the least dense\), connect to public parks, trails, or open space corridors, protect environmentally-sensitive land, and provide connections to other existing protected open space.](#)

## Conservation Residential Zoning Districts [Strikethrough/Underline]

9. A conservation easement shall be dedicated over the conservation or preservation area abutting the Rural Area which strictly prohibits crossing or traversing of utility easements for public sewer.
10. The rezoning request is conformance with the Rural Area Plan of the Comprehensive Plan, including specifically-identified open space and trails corridors.
11. Lots shall have a minimum lot width of 100 feet or shall have at least 100 feet of width at the setback line and be served by a private road. Lots created after November 21, 1991, shall have access to a street via an exclusive and unobstructed easement not less than 18 feet in width unless served by a public or private road. If served by a private road, the following conditions shall be met:

(a) The road width and design shall comply with the Design and Construction Standards Manual.

(b) The road shall be used only to serve permitted CR-3 uses and the road right-of-way shall be zoned CR-3. When any such road is accepted by the state for permanent maintenance, the provisions of this subsection shall no longer apply, provided that such road is consistent with the Comprehensive Plan.

(c) Lots shall not have a depth greater than three times its width.

### Sec. 32-302.36. - Setbacks

1. All buildings, including accessory structures, shall be set back at least 35 feet from the front lot line, all streets, all private access easements, and all rights-of-way.
2. On open space parcels greater than three acres, any agriculturally-related accessory structure shall be located no closer than 35 feet from the right-of-way.
3. The minimum rear setback shall be 25 feet.
4. The minimum side setback shall be 15 feet.

### **Sec. 32-302.341. - Conservation Residential District – CR-15**

Purpose and intent: The CR-54 Conservation ~~Residential~~Subdivision District is intended to provide a rural cluster zoning for the purposes of permanent conservation of protected open space within appropriate areas of the County. The district is designed to require preservation of the natural environment in order to facilitate a connected open space and trail network between the rural and development areas, land for farming purposes, passive recreation, preservation of bucolic viewsheds, and other uses that further the Rural Area Vision. The intent is to cluster residential development toward specific areas as identified in the Comprehensive Plan and allow access to public sewer, for the purpose of preserving and connecting open spaces, connecting trail and passive recreation networks, and preserving farmland. ~~Subdivisions in this district shall be developed at a density based on the Rural Character Areas Map in the Comprehensive Plan, inclusive of environmental resource areas, with no single lot being less than one acre. The Rural Character Areas are as follows:~~

## Conservation Residential Zoning Districts [Strikethrough/Underline]

### i. CR-5 Conservation Residential - Agriculture and Forest rural character area:

**Minimum Density: One dwelling unit per five acres.**

The CR-5 zoning district implements the Conservation Residential classification in the Comprehensive Plan. It is intended to be implemented only in areas designated Conservation Residential with a rural character of Agriculture and Forest as shown on the Rural Character Area Map in the Comprehensive Plan.

To incentivize clustering, the permitted density is one dwelling per five (5) acres, inclusive of environmental resource areas, with no single lot being less than one acre. The open space requirement is 60 percent. Open space shall be placed in a permanent conservation easement. Easement terms may include passive recreation, forest, farming and agricultural activities, and similar uses.

Extension(s) of public sewer in the Rural Area are permitted only through a Conservation Residential Conservation (RCR-5) rezoning and in areas designated as Conservation Residential Conservation on the Long Range Land Use Plan.

### ii. ~~Estates and Subdivisions: Minimum Density: One dwelling unit per three acres.~~

~~To incentivize clustering, the permitted density is one dwelling per three (3) acres. The open space requirement is 60 percent. Open space shall be placed in a permanent conservation easement. Easement terms may include passive recreation, forest, farming and agricultural activities, and similar uses.~~

~~Extension(s) of public sewer in the Rural Area are permitted only through a Residential Conservation (RC-1) rezoning and in areas designated as Residential Conservation on the Long Range Land Use Plan.~~

### Sec. 32-302.342. - Uses Permitted by Right – Residential Lots

1. On lots two acres or greater, Agritourism and Arts activities, as allowed and defined in this chapter.
2. Group home, as defined by Code of Virginia, § 15.2-2291, including group residences for ambulatory elderly persons, whether or not special accommodations are required, but shall not include nursing homes or hospitals.
3. Home employment, subject to standards in section 32-300.16.
4. Home occupation, subject to standards in section 32-300.07.2.
5. Home sales office, subject to standards in section 32-300.07.1.
6. Noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs), pursuant to the standards of section 32-300.02.8.
7. Keeping of domestic fowl, subject to the provisions of the Domestic Fowl Overlay District Section 32-508.01 et seq.
8. Single-family dwelling (one per lot).

### Sec. 32-302.343. - Special Uses – Residential Lots



## **Conservation Residential Zoning Districts [Strikethrough/Underline]**

1. Adaptive reuse of a historic building, subject to the standards of section 32-300.07.11.
2. Agritourism and Arts activities, that do not meet the performance standards of the Arts and Agritourism Overlay District of this chapter.
3. Bed and breakfast, subject to the standards of section 32-300.15.
4. Commercial kennels.
5. Recovery home, subject to the standards of section 32-300.07.9.
6. Rural home business, subject to the standards of section 32-300.14.

### **Sec. 32-302.~~34~~4. - Uses Permitted by Right – Open Space Parcels**

1. Except for the keeping of domestic fowl as regulated in Part 508 of this chapter, agricultural uses, the keeping of livestock, fishery uses, farm wineries and breweries with limited brewery licenses in accordance with section 32-300.07.10, on lots two acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domestic equines provided in subsection 32-300.02.6. shall not apply for lots ten acres or larger in size. Accessory structures such as, but not limited to, barns, sheds, and stables shall be permitted as required for bona fide agricultural uses.
2. Agritourism uses.
3. Passive recreation.
4. Open space.
5. Adaptive reuse of a historic building, secondary to a permitted use, subject to the standards of section 32-300.07.11.

### **Sec. 32-302.~~34~~5. - Development Standards**

1. The minimum district size is 40 acres.
2. Minimum lot area is one acre provided the overall density does not exceed what is allowed above.
- ~~3. The rezoning request is identified within a Conservation Residential classification in the Long Range Land Use Plan Map of the Comprehensive Plan.~~
4. Sixty percent (60%) of the rezoning area shall be preserved, undisturbed open space when existing forested areas are present, separate from the residential lots, which may include passive recreation uses such as trails and parks as well as permitted agricultural activities.
5. Lots may connect to public sewer.
6. Lots shall use an internal and connected road network to minimize independent driveway access points to the primary public road.
7. Pipestem lots are not permitted.

## Conservation Residential Zoning Districts [Strikethrough/Underline]

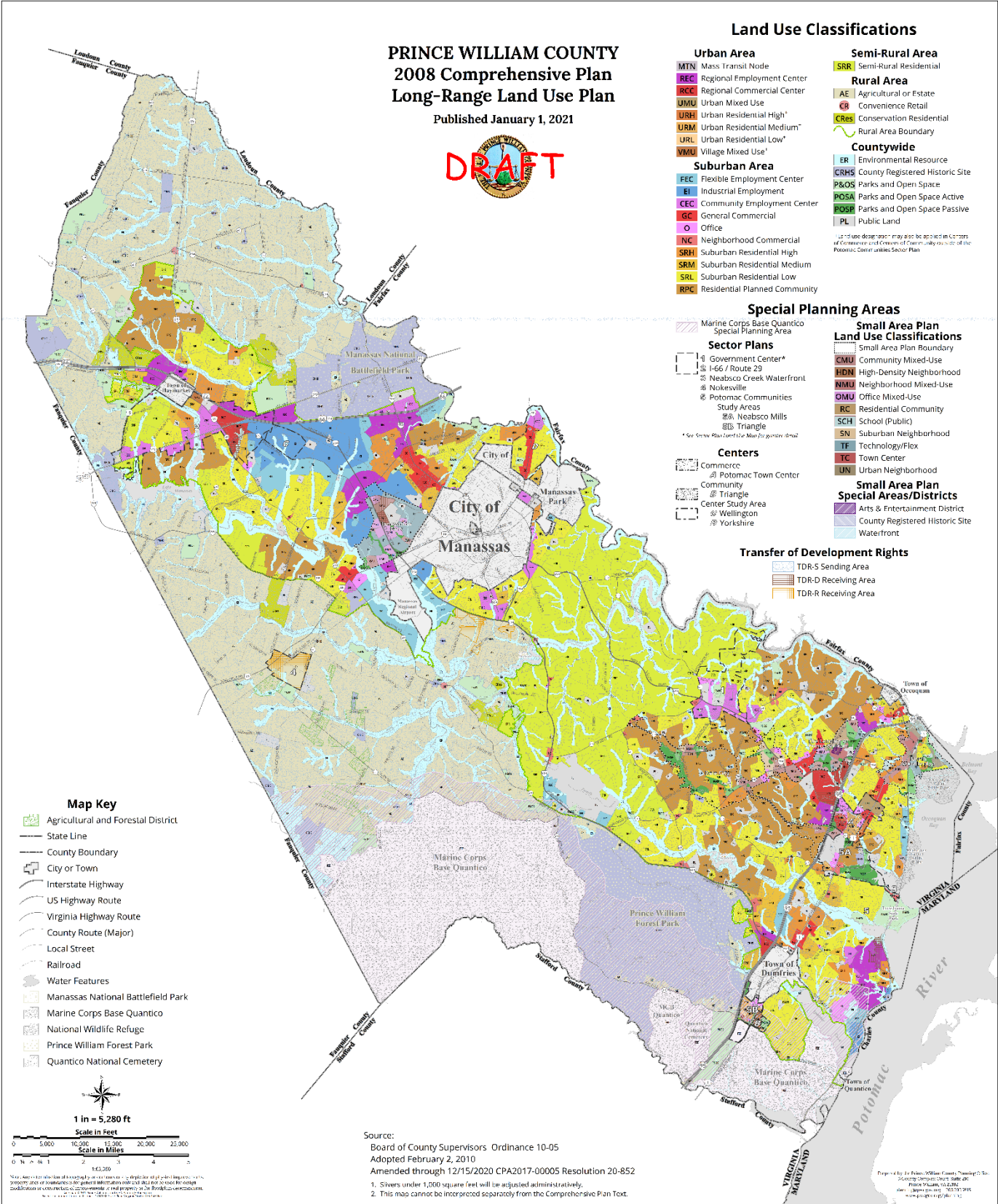
8. A minimum 50-foot type C buffer shall be provided along the perimeter of the cluster development, and existing vegetation shall remain protected and undisturbed within the buffer area and count toward the planting requirement.
9. The greatest amount of open space shall be located adjacent to the Agricultural and Estates designation of the Rural Area (or lowest density adjacent development, whichever is the least dense), connect to public parks, trails, or open space corridors, protect environmentally-sensitive land, and provide connections to other existing protected open space.
10. A conservation easement shall be dedicated over the conservation or preservation area abutting the Rural Area which strictly prohibits crossing or traversing of utility easements for public sewer.
11. The rezoning request is conformance with the Rural Area Plan of the Comprehensive Plan, including specifically-identified open space and trails corridors.
12. Lots shall have a minimum lot width of 100 feet or shall have at least 100 feet of width at the setback line and be served by a private road. Lots created after November 21, 1991, shall have access to a street via an exclusive and unobstructed easement not less than 18 feet in width unless served by a public or private road. If served by a private road, the following conditions shall be met:
  - (a) The road width and design shall comply with the Design and Construction Standards Manual.
  - (b) The road shall be used only to serve permitted CR-~~54~~ uses and the road right-of-way shall be zoned CR-~~54~~. When any such road is accepted by the state for permanent maintenance, the provisions of this subsection shall no longer apply, provided that such road is consistent with the Comprehensive Plan.
  - (c) Lots shall not have a depth greater than three times its width.

### Sec. 32-302.~~346~~. - Setbacks

1. All buildings, including accessory structures, shall be set back at least 35 feet from the front lot line, all streets, all private access easements, and all rights-of-way.
2. On open space parcels greater than three acres, any agriculturally-related accessory structure shall be located no closer than 35 feet from the right-of-way.
3. The minimum rear setback shall be 25 feet.
4. The minimum side setback shall be 15 feet.

PRINCE WILLIAM COUNTY  
2008 Comprehensive Plan  
Long-Range Land Use Plan

Published January 1, 2011



Land Use Classifications

- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| <b>Urban Area</b>                 | <b>Semi-Rural Area</b>               |
| MTN Mass Transit Node             | SSR Semi-Rural Residential           |
| REC Regional Employment Center    | <b>Rural Area</b>                    |
| RCC Regional Commercial Center    | AE Agricultural or Estate            |
| UMU Urban Mixed Use               | CR Convenience Retail                |
| URH Urban Residential High*       | CRes Conservation Residential        |
| URM Urban Residential Medium*     | CRB Rural Area Boundary              |
| URL Urban Residential Low*        | <b>Countywide</b>                    |
| VMU Village Mixed Use*            | ER Environmental Resource            |
| <b>Suburban Area</b>              | CRHS County Registered Historic Site |
| FEC Flexible Employment Center    | P&OS Parks and Open Space            |
| EI Industrial Employment          | POSA Parks and Open Space Active     |
| CEC Community Employment Center   | POSP Parks and Open Space Passive    |
| GC General Commercial             | PL Public Land                       |
| Office                            |                                      |
| NC Neighborhood Commercial        |                                      |
| SRH Suburban Residential High     |                                      |
| SRM Suburban Residential Medium   |                                      |
| SRL Suburban Residential Low      |                                      |
| RPC Residential Planned Community |                                      |

Special Planning Areas

- |   |   |
|---|---|
| Marine Corps Base Quantico Special Planning Area  | <b>Small Area Plan Land Use Classifications</b> |
| <b>Sector Plans</b>                               | Small Area Plan Boundary                        |
| Government Center*                                | CMU Community Mixed-Use                         |
| I-66 / Route 29                                   | HDN High-Density Neighborhood                   |
| Neabsco Creek Waterfront                          | NMU Neighborhood Mixed-Use                      |
| Nokesville  | OMU Office Mixed-Use                            |
| Potomac Communities Study Areas                   | RC Residential Community                        |
| Neabsco Mills                                     | SCH School (Public)                             |
| Triangle  | SN Suburban Neighborhood                        |
| * See Sector Plans for the Map for greater detail | TF Technology/Flex                              |
| <b>Centers</b>                                    | TC Town Center                                  |
| Commerce  | UN Urban Neighborhood                           |
| Potomac Town Center Community                     |   |
| Center Study Area                                 | <b>Small Area Plan Special Areas/Districts</b>  |
| Wellington  | Arts & Entertainment District                   |
| Yorkshire   | County Registered Historic Site                 |
|   | Waterfront                                      |

Transfer of Development Rights

- |                      |
|----------------------|
| TDR-S Sending Area   |
| TDR-D Receiving Area |
| TDR-R Receiving Area |

Map Key

- Agricultural and Forestal District
- State Line
- County Boundary
- City or Town
- Interstate Highway
- US Highway Route
- Virginia Highway Route
- County Route (Major)
- Local Street
- Railroad
- Water Features
- Manassas National Battlefield Park
- Marine Corps Base Quantico
- National Wildlife Refuge
- Prince William Forest Park
- Quantico National Cemetery



1 in = 5,280 ft

Scale in Feet



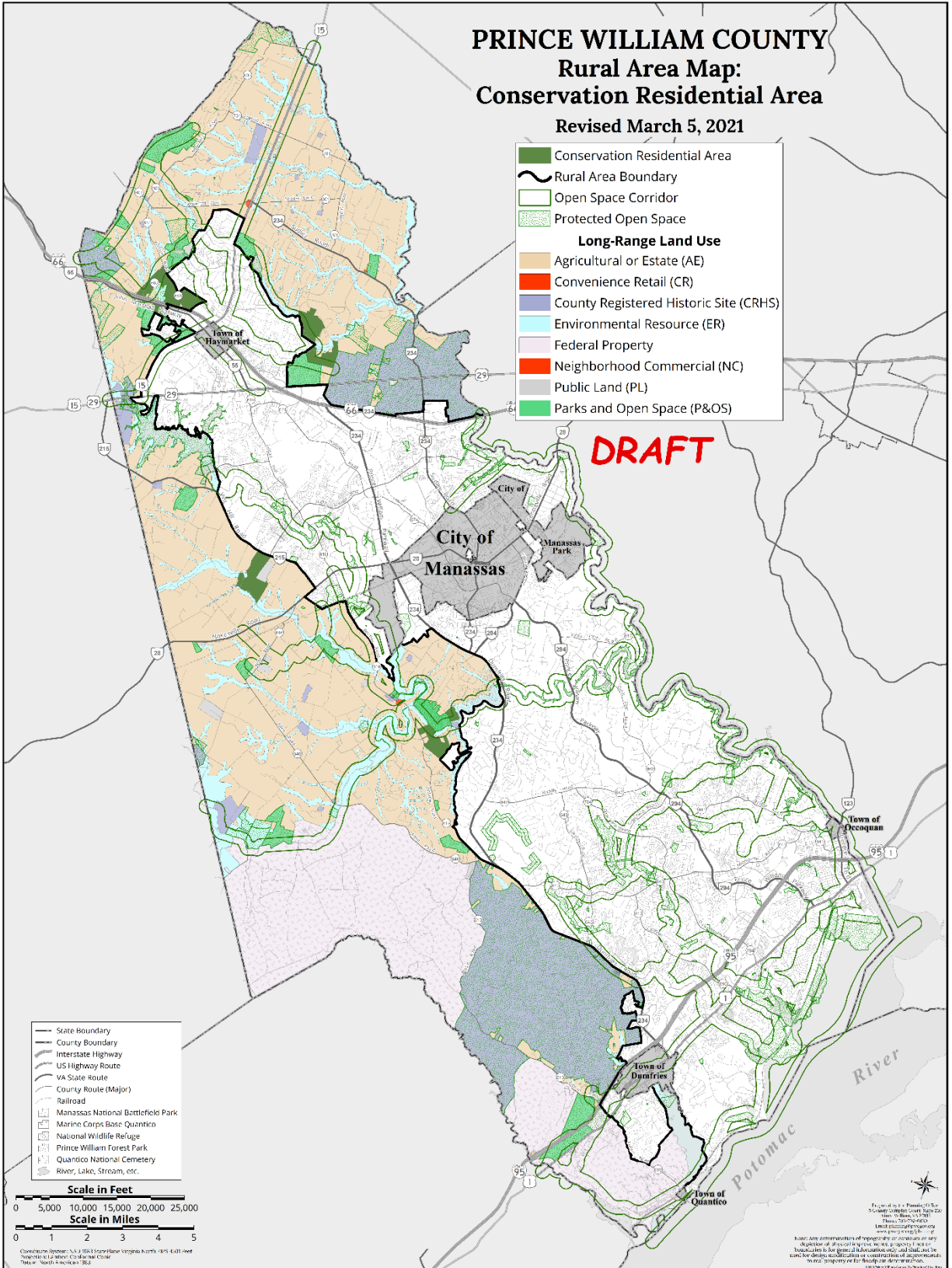
Source:  
Board of County Supervisors Ordinance 10-05  
Adopted February 2, 2010  
Amended through 12/15/2010 CPA2017-00005 Resolution 20-852

1. Sivers under 1,000 square feet will be adjusted administratively.
2. This map cannot be incorporated separately from the Comprehensive Plan Text.

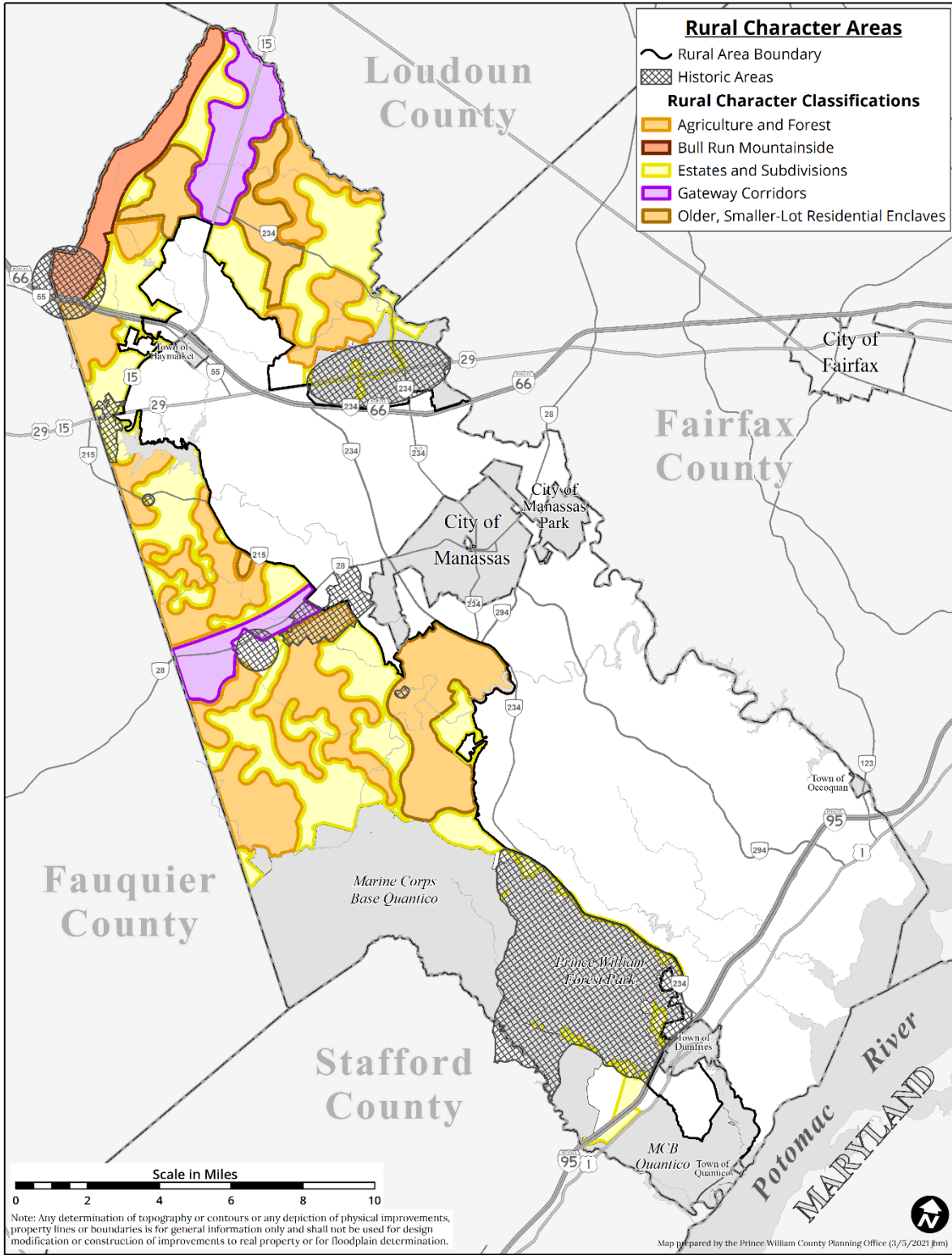
Prepared by: Prince William County, Planning & Development Department  
Project Number: 10-05  
Date: January 2011  
www.pwcva.gov



# Conservation Residential Area Map



# Rural Character Area Map



**Long-Range Land Use**

The CR, Conservation Residential zoning districts are zoning tools intended to implement multiple policies and action strategies in #CPA2018-00009. (LR Policy 1 and 3) CR-3 and CR-5 incentivizes the clustering of residential development to ensure the permanent preservation of open space. CR-3 and CR-5 incentivizes clustering by allowing increased density and access to sewer.

Direct impacts in relation to specific rezonings will be address on a case-by-case basis at the time of rezoning. Staff is not recommending Board initiated rezonings to either Conervation Residential zoning district.

The following table summarizes the general changes in development potential as a result of replanning the four designated Conservation Residnetial Areas:

	Total Potential Acreage to be Developed	Potential Protected Open Space Acreage	Remaining Acreage to be Developed	By-Right Dwelling units	Maximum Potential Dwelling units	Difference
Agricultural and Forest	908	545	363	90	181	+91
Estates and Subdivisions	1,190	714	476	119	396	+277
Total	2,098	1,259	839	209	577	+368

\*As of 2019

**Environment**

The CR, Conservation Residential zoning districts establish strict development standards to ensure the permanent protection of open space. Adoption and implementation of the CR zoning districts with help to achieve numerous existing Comprehensive Plan Policy Goals:Open Space Policy 4, Open Space Policy 5, and Environment Policy 3.

**Sanitary Sewer**

PS 1.2 Extension of public sewer into Conservation Residential areas are permitted through a Conservation Residential (CR) rezoning process and approved by the County.

Conservation Residential will allow sewer connection. Individual applicants will be responsible to bear the cost of onsite and offsite public sewer improvements necessary to their proposed developments and will be required to pay any and all fees associated with those connections.

**Schools**

Direct impacts to Prince William County Public Schools will be address at the time of rezoning. Below is a table of potential county wide impact of the CR zoning districts should it be fully implemented.

<b>Potential Level of Service Impact</b>				
		By-Right Single Family Detached	Conervation Residential Single Family Detached	Difference
Dwelling Units Generated		209	577	368
Students Generated	ES	59	162	103
	MS	33	90	57
	HS	45	124	79
	Total	137	376	239
Percentage of School Facility Needed	ES	6%	18%	11%
	MS	2%	6%	4%
	HS	2%	5%	3%

**Rural Area Plan Policies/Tools**

The Rural Area Plan policies and tools are connected and interdependent. No individual policy can achieve the overall goals of the Rural Area Plan. The Rural Area Plan provides a suite of tools to help implement and achieve the policies of the the Rural Area Plan.

Should the Planning Commission wish to recommend, in part, the adoption of the Rural Area Policies, Staff has provided guidance on how the policies are linked, interconnected, and dependent on one another.

As currently drafted adoption of #DPA2017-00009, Conservation Residential requires the adoption of #CPA2018-00009, Rural Area Plan. #CPA2018-00009, Rural Area Plan provides a Long Range designation Conservation Residential (CRs) and identifies areas appropriate for that designation. This zoning text amendment is intended to implement the CRs designation. Additionally, #CPA2018-00009, Rural Area Plan establishes new Sanitary Sewer policies critical to the implementation of the CR-1 zoning district.

Additionally, the Conervation Residential zoning districts are directly tied to #DPA2017-00008, Transfer of Development Rights Program. The Rural Receiving areas identified in in the Transfer of Development Rights Program utilize the Conservation Residential development standards.

# BOCS Initiating Resolution

**MOTION: NOHE**

**September 20, 2016  
Regular Meeting  
Res. No. 16-732**

**SECOND: JENKINS**

**RE: INITIATE A ZONING TEXT AMENDMENT TO AMEND THE RURAL  
CLUSTER DEVELOPMENT REGULATIONS**

**ACTION: APPROVED**

**WHEREAS**, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, convenience, general welfare and good zoning practice require such change; and

**WHEREAS**, in 1998, Prince William County's Comprehensive Plan was amended as such that the County was divided into two main areas: the Development Area and the Rural Area (also known as the Rural Crescent); and

**WHEREAS**, the Prince William County Rural Preservation Study was completed in 2014, the purpose of this study was to be able to review the County's current preservation policies, to determine the effectiveness of these policies, and to provide the Board of County Supervisors with recommendations on how to improve the County's land use planning policies in relation to preserving open spaces; and

**WHEREAS**, on July 8, 2014, Supervisor Nohe (DIR 14-82) requested that staff provide additional information regarding implementation of the Rural Preservation Study, review the Zoning Ordinance to look for opportunities to eliminate barriers or create new incentives for more rural economic development, look for remedies for farmers who raise and slaughter livestock specifically for religious events, and further investigate opportunities to purchase property development rights and how that relates to other elements of the Study's recommendations; and

**WHEREAS**, rural preservation is important in Prince William County to address loss of farmland, reduce sprawl and focus growth in the development area, encourage environmental preservation, protect the Prince William Forest and Manassas National Battlefield Park, protect Marine Corps Base Quantico's training mission, and protect historic and cultural resources; and

**WHEREAS**, the County has an existing voluntary rural cluster development provision which allows a maximum density of one dwelling for every ten acres in the A-1, Agricultural zoning district. The current rural cluster development method in the County allows a minimum lot size of three acres, a maximum lot size of five acres, and does not have a density bonus. Further, there is an open space requirement of fifty percent (50%). The cluster tool can be an effective tool, but is not heavily used in Prince William County; and



**BOCS Initiating Resolution**

**September 20, 2016  
Regular Meeting  
Res. No. 16-732  
Page Two**

**WHEREAS**, the amendment would amend the rural cluster development provision in the Zoning Ordinance in order to make it more viable for the purpose of permanently protecting land from being developed; and

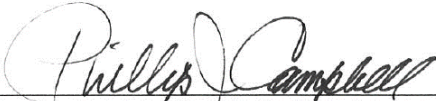
**WHEREAS**, this resolution will authorize the staff time and resources necessary for research, analysis and to conduct public hearings with the Planning Commission and the Board of County Supervisors; and

**WHEREAS**, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann.;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby initiate an amendment to the Prince William County Zoning Ordinance to amend the rural cluster development regulations.

**Votes:**  
**Ayes:** Anderson, Caddigan, Jenkins, Nohe, Stewart  
**Nays:** Lawson, Principi  
**Absent from Vote:** None  
**Absent from Meeting:** Candland

**For Information:**  
Planning Director  
County Attorney

ATTEST:   
Clerk to the Board