



# Department of Planning & Zoning

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## M E M O R A N D U M

**TO:** Board of Supervisors / Planning Commission

**CC:** Carol Steele, County Administrator  
George Bains, Deputy County Administrator  
Ted Wilmot, County Attorney

**FROM:** Carol Rizzio, Senior Comprehensive Planner  
Anne Ducey-Ortiz, Planning, Zoning and Environmental Programs Director

**DATE:** July 24, 2024, for August 1, 2024

**SUBJECT:** Zoning Ordinance Update – Review of Public Comments

At the Planning Commission’s July meeting we held the public hearing for the zoning ordinance update and received numerous public comments. At your request, staff has prepared and attached a summary of the public comments identifying the general topics addressed and/or specific ordinance sections that the comments related to. However, many of the comments were general in nature and do not relate to a specific section of the ordinance. The comments that appear to refer to specific code sections are displayed in dark gray on the attached document and are listed in the order presented at the public hearing. If you want more details about any specific comment, please refer to the meeting minutes. Below is a summary listing the specific sections addressed in the comments either in support of or opposed to the changes as best as we could determine.

Topic	Section	Number of individuals in support of	Number of individuals opposed to
Village Mixed Use District (B-2) Regulations.	Section 5-40.1(3) p.79	1 – Need more affordable housing	12 – No more growth
Junkyards and salvage yards	Section 5-70.4 Table of Permitted Industrial and Utility Uses p.106 and Section 9B-7.20 Junkyard and salvage yard p.140		1 – Do not permit in B-1 (proposed to be permitted by CUP)
Historic Overlay District	Article 6, Section 6-1 p. 109		1 – Wants to be included in district
Sidewalks required by the Highway Corridor Development District	Article 6A, Section 6A-4 Access p.111	1 – Support sidewalks in our Village areas	1 – Sidewalks are not needed on Rte. 17
Campgrounds and Camping for personal use and enjoyment	Section 9B-4.10 p.130 and Section 9D-10 p.170	1 – Question related to enforcement process for violators	1 – We should be able to camp as long as we want

Topic	Section	Number of individuals in support of	Number of individuals opposed to
Home occupations	Section 9B-9.70(c) p.166		1 – Do not allow two commercial vehicles
Freight containers	Section 9D-20(3) p.171		1 – Do not allow in residential districts
Traffic Impact Analysis reduced threshold	Article 14, Sections 14-2(4)(a)(xv) p.216, 14-3(3)(g) p. 224, and 14-4(3)(c)(ix) p. 231.	1 – Support TIAs for larger developments	

In addition to these topics, several comments related to regulations not included in the Zoning Ordinance such as property maintenance and short term rentals. Those are identified in *light gray* on the attached comment summary document. Staff will summarize all this information for you at the August 1<sup>st</sup> meeting and will be prepared to discuss with you any changes you may want to suggest – along with your recommendation to the Board of Supervisors.

As mentioned at the public hearing, there is one parcel (RPC 40099) currently zoning Residential Mixed Use (RMX) that is proposed to become Village Mixed Use (B-2) due to the recommendation to combine those districts. Staff has reached out to the property owner for his feedback on the proposed change. He would like the parcel to become B-1 instead of B-2. He has an existing approved site plan for residential development consisting of a mix of 78 apartments and 31 townhouse style rental units. Based on the General Assembly’s extension, the approved site plan is valid until 2025. Under the B-2 zoning he could development the site either residentially or commercially once the site plan expires. He owns the parcels to the north that make up the York River Crossing shopping center, all of which are zoned B-1. We will be interested to hear your feedback related to that change.

Staff has also been working on updating the Zoning Ordinance Update web page to include a version of the draft ordinance that contains links to specific sections (from the table of contents) and a version that identifies the changes in **bold** text. We hope to have those changes completed by August 1<sup>st</sup>.

We will be happy to answer any questions you may have about other changes not specifically mentioned.

Attachments:

- Summary of public comments received

**PC Action:** Listen to staff’s presentation and make a recommendation to the Board as to whether to adopt the proposed changes to Appendix B - Zoning of the County Code as presented or with modifications based on public input.

## Planning Commission, July 11, 2024 Meeting

### Item 4: General Public Comments

	Comments	Main Topic	ZO Section and Page Number
1	Poor planning, not considerate, disappointed	Not happy w/ process	N/A
2	Resident skirting codes and before we change anything we should address this violation. Has campers and rents rooms, basically runs a business. Yard full of trash. Nothing is being done. Works till after 5 pm and property values are being impacted.	Complaint about violations that should be addressed prior to any changes.	N/A
3	She expressed that God gives the people sovereign political power to choose the government. She points out that the Planning Commission is subject to the people and should be held liable.	Planning Commission is subject to the people.	N/A
4	Plans in Hayes, Thomas Landing Road, subdivided. Give up part of her land.	Civil matter RE Subdivision	N/A
5	Letter was written like a true politician. As elected people we need to give more information.	Letter not descriptive enough	N/A
6	Recently opened a business in Hayes and wasn't able to cut down any trees. However, all the vegetation was removed on the Dunkin Donuts lot. What is going across the street from Lowes... the Barrens. Schools are overrun, need to know what is going on.	Lack of enforcement; regulations not evenly applied – ADO reached out to her about the trees.	N/A
7	Developers are parking in their parking lot to survey the woods behind them. They should not be allowed to do that.	Civil matter	N/A
8	What are we doing about growth in the county? Schools are redistricting. How are we handing all these people moving from Newport News and Hampton?	Too much growth	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
9	*Chevron Deference, unconstitutional action.	Planning Commission does not have constitutional authority	N/A
10	Repent and Dissolve the Planning Commission. Love and peace of Gloucester County. Pay for them to move to Newport News.	Planning Commission does not have constitutional authority	N/A
11	Lot in front of her home was cleared. Doesn't want a business there.	Too much growth	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
12	Road is not maintained by VDOT adequately and it is affecting property values.	Lack of roadway maintenance (VDOT)	N/A

\*\*Chevron deference” is (was) not applicable to the Planning Commission. It was an old Supreme Court case that held that FEDERAL agencies (like the EPA) had broad authority to interpret the meaning of the regulations they enforced –

especially when they were ambiguous. The “deference” part said that the Courts would/could not substitute their opinion for those of the subject matter experts within those agencies.

Current Supreme Court said no – now we’re (judicial branch) going to interpret those ambiguities – or Congress can fix them.

The PC is not a regulatory agency.

**Item 5b: CA-24-01 Zoning Ordinance Update Public Hearing Comments**

	<b>Comments</b>	<b>Main Topic</b>	<b>ZO Section and Page Number</b>
1	Asked if Air B&B camping would be regulated as a campground. Yes, it would.	Camping	Section 9B-4.10 Campground p. 130 and Section 9D-10 Camping for personal use and enjoyment p. 170
2	Letter sent took 12 days to get to him, don't believe we sent it out on the date stated on the letter.	Letters arriving late.	N/A
3	Letter sent. Article 6 Historic Overlay District – wants her property to be added.	Historic District additions	Article 6 Historic Overlay District p.109
4	Doesn't like 8 units per acre in B-2. Edgehill Street doesn't like it, no more section 8 housing. Believes the PC and Board members are financed to make such decisions.	8 dwelling units by-right in B-2 No section 8 housing.	Village Mixed Use District (B-2) Regulations, Section 5-40.1(3) p.79
5	Chevron lawsuit – bill of rights.	Process	N/A
6	Concern for mom and pop shops	Support for small businesses	N/A
7	Need to redo the comp plan. Heard the public.	No more growth.	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
8	How much did mailing costs? Allowing government to control private property. Agenda 21 – controlling how to use one's private property. No section 8 and no ethnic compounds. Power lines and all roads on six-year plan for improvements.	Private property rights.  No Section 8 housing.	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
9	Property rights – how can the government tell me how many days I can camp on my property? Should be able to camp as long as we want. Eliminate property rights... and the ten commandments will take care of it.	Property rights and camping.	Section 9D-10 Camping for personal use and enjoyment p.170
10	In 1984 with zoning took away right to farm – give it back! County said they would sponsor rezonings back to agriculture in areas that farming continued.	Right to Farm (only applies to RC-1 and RC- 2)	N/A.

	<b>Comments</b>	<b>Main Topic</b>	<b>ZO Section and Page Number</b>
11	Words matter. Letters worked, got everyone here. Wants to downzone for affordable housing (Section 8)	Affordable housing is needed.	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
12	Complemented Carol and thanked the Planning Commission.	Thank you.	N/A
13	Asked if we could bookmark the PDF. Doesn't like freight containers. They rust. Please don't allow in SC-1 or in B-1 commercial district. Don't allow junkyard / salvage yards in B-1. Only allow in I-1 by a CUP.	No freight containers. No salvage yards/junkyard in B-1.	Section 9D-20 Freight containers p.170; Section 5-70.4 Table of Permitted Industrial and Utility Uses p. 106 and Section 9B-7.20 Junkyard and salvage yard p. 140
14	Shipping containers – why allow them in residential districts? Home occupations – reduced regulations, doesn't think it's a good idea to allow 2 commercial vehicles (would look more like a business) Nonconforming uses – consider amortization so they can't continue forever	No freight containers. Don't allow 2 commercial vehicles w/ HOPs	Section 9D-20 Freight containers p. 171; Section 9B-9.70 Home occupations p. 166
15	Thanked Planning Commission. Asked about the camper guidelines. What are the ramifications where people don't follow the regulations?	Enforcement processes related to proposed camping regulations	Section 9D-10 Camping for personal use and enjoyment p. 170
16	Concerned about Gloucester Point and doesn't understand why someone is allowed to stack tires up.	Lack of property maintenance at the point.	N/A
17	Would like to be able to easier see what changed and what didn't. Noticed that a tower not in use has to be removed after 2 years. There is a tower near him that has not been removed yet (Willis Road) – it's been over 2 years. Would like it removed.	Wants to be able to easily see what has changed. Removal of unused communication tower.	N/A
18	Housing 8-12 units – why can developers do what others can't, how will more housing help w/ all other issues in the county such as the volunteer fire / rescue and traffic? Pedestrians don't need to be on Rte. 17 – how would sidewalks make it better?	No more growth, no multi-family. No sidewalks.	Possibly Village Business District (B-2) Regulations... Section 5-40.1(3) p.79; Article 6A Highway Corridor Development District, Section 6A-4 Access p. 111

	<b>Comments</b>	<b>Main Topic</b>	<b>ZO Section and Page Number</b>
19	Containers on people's properties – how many years till they are grandfathered? Not equal protection under the law.	Developers are able to do what others are not.	Section 9D-20 (3) Freight containers p. 171
20	Too many sub-divisions. Too much growth that is causing increased crime, traffic congestion, schools' capacity and lack of appropriate infrastructure.	Keep Gloucester rural.	Possibly section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations...
21	Against zoning changes. No apartment buildings added to my neighborhood. They are a burden for schools and infrastructure	No by right multi-family.	Village Mixed Use District (B-2) Regulations, Section 5-40.1(3) p.79
22	Doesn't understand the changes	Wants more information	N/A
23	Concerned about AirBNB in her neighborhood and thinks it should be regulated.	Regulate short-term rentals such as AirBNBs.	N/A
24	Doesn't want to adopt all the changes at once, agrees with some but not all. Does not want Gloucester to become York or Williamsburg.	Keep Gloucester as it is. No more Section 8 housing.	Possibly section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations...
25	Update solves no problem specific to our community. It is just an excuse for continued government overreach. Will devalue property assets by continuing to restrict legal use of property.	Do not adopt ZO update.	N/A
26	Concerned that the standard review and approval process is not proposed to be circumvented to allow new land uses as a matter of right. Landowners, residents, and business owners purchase land with specific expectations. Altering these expectations and uses harms current landowners. Doesn't think localities should push for affordable housing. Let the market determine it. I purchased my home at the end of a long street and don't want multifamily projects in my neighborhood.	Doesn't agree with by right of up to 8 dwelling units in B-2.	Section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations
27	In favor of the ZO update with the following considerations. Not in favor of allowing use of spray manure fertilizer on farms in Bayside Conservation. Strongly in favor of ADA compliant sidewalks particularly in village areas. In support of TIAs for large developments.	Agree w/ changes.	Article 6A Highway Corridor Development District, Section 6A-4 Access p. 111;  TIA threshold - Article 14, Sections 14-2(4)(a)(xv) p.216, 14-3(3)(g) p. 224, and 14-4((3)(c)(ix) p. 231.
28	Doesn't want their easement to be changed.	Unclear	N/A

	<b>Comments</b>	<b>Main Topic</b>	<b>ZO Section and Page Number</b>
29	Opposed to multi-family in Court House. Opposed to mixed-use due to parking and traffic. Consider Building 2 and the amount of parking needed. With these changes the integrity and lifestyle of the small-town Main Street is forever gone.	No multi-family. No mixed-use.	Section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations
30	RPC 26755 Can we build on this property – property line extends into water...	N/A	N/A
31	Will zoning amendments change taxes? If so, how?	Impact to taxes.	N/A
32	Outrageous to change the ordinance. When I bought this home, I assumed that zoning would not change. Are you getting money from the federal government?	Colemans Crossing development. No changes to zoning to allow more development.	Possibly section 5-40.1 (3) p.79 Village Mixed Use District (B-2) Regulations...