

CONSERVATION SUBDIVISION ORDINANCE

Section I. Purpose

The purposes of these ordinances are:

- A) To encourage the protection and preservation of environmentally sensitive portions of sites and agricultural lands in the county;
- B) To encourage development in a manner which lessens the cost of infrastructure;
- C) To provide incentives for clustering residential development in the most appropriate locations;
- D) To encourage more efficient and aesthetic use of open space;
- E) To encourage the reservation of open space for scenic and recreational uses;
- F) To create and encourage the use of a variety of development choices to satisfy the changing needs of the county;
- G) To offer flexibility to the developer in his approach and solution to land development problems.

Section II. Definitions

Base Density

The original density permitted under the residential zoning category for the property (dwelling units per acre).

Frontage Distance

The width of a housing lot (in feet) that fronts along the street.

Green Space

Open space maintained in a natural, undisturbed, or revegetated condition.

Impervious Cover

Any surface in the urban/suburban landscape that cannot effectively absorb or infiltrate rainfall.

Natural Condition

The topography and vegetation of an area that is unaltered by clearing and grading during construction and protected in perpetuity.

Nontidal Wetlands

Those areas not influenced by tidal fluctuations that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Open Space

A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community open space or preserved as green space.

Conservation Subdivision

A development pattern that arranges the layout of buildings in a compact area of the site so as to reserve a portion of the site for open space or green space and is protected in perpetuity.

Setback

The distance a structure must be located from property lines or other structures.

Stream Buffer

A vegetated area bordering a stream that exists or is established to protect a stream system. Alteration of this vegetated area is strictly limited.

Unbuildable Land

The area of a site that includes wetlands and submerged areas, slopes of 25 percent or more, and the 100-year floodplain.

Section III. Application

A) The provisions of this ordinance apply to R-1 and R-3 zoning districts. The provisions of this ordinance shall govern where there is a conflict with the underlying zoning district. ?

B) The minimum size of an open space development shall be five acres.

C) Conservation subdivision is a by-right form of development and shall not require special exception or additional review.

Section IV. Design Criteria

A) The total number of residential units allowable within a conservation subdivision shall not exceed the number of units that would otherwise be allowed in the existing zoning district using conventional development.

B) Frontage distance and rear, front, and side yard setbacks may be reduced to 50 percent of the requirements in the base zoning, subject to the following rules:

- 1) The frontage distance shall be no less than 10 feet.
- 2) Front and rear yard setbacks shall be no less than 10 feet.
- 3) Sideyard setbacks shall be a minimum of five feet.

minimum size for

C) Lot size may be reduced to 25 percent of ^{minimum size for} base density but no smaller than one-eighth of an acre.

D) Irregular lot shapes and shared driveways are permitted in open space design.

E) Shared septic systems may be permitted provided that the requirements of the Virginia Department of Health are met, including appropriate provisions for legal obligations related to maintenance and replacement. *- common parcel? - should be*

F) The number of parking spaces required for a residential open space development shall be two spaces per dwelling unit. Parking may be provided either on the street or in driveways.

Section V. Residential Cluster Siting Standards

A) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 8 dwelling units and no less than 2 units.

B) Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.

C) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.

D) Residential clusters should be sited to achieve the following goals, to the extent practicable.

1. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
2. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
3. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
4. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
5. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

E) Residential development may be in the form of single family, patio, townhouse and multifamily styles as long as the density is not increased in the zoned area and the setbacks on the overall buildings are in conformance with the regulations.

F) Landscaping around the cluster may be necessary to reduce off site views of residences, or to enhance the conservation aspect as it relates to runoff of the areas being developed and the viewscape.

Section VI. Open Space Requirements

A) The total area of dedicated open space shall equal the amount by which all dwelling unit lots are reduced below the base zoning and shall meet the requirements outlined in Table 1. Golf Courses may be counted as open space for the purpose of meeting this requirement to a maximum of 50% of the required open space.

Base Density (du/ac)	Open Space Required (% of buildable area)
>1	35%
0.5<BD<1	40%
0.2<BD<0.5	45%
<0.2	50%

B) The following activities or land uses may not be counted as a part of designated open space:

1. Land considered unbuildable under Section II.
2. Existing rights-of-way and utility easements.
3. Setbacks and lawns.

C) The following areas shall be high priorities for inclusion in designated open space:

1. Resource buffers.
2. High-quality forest resources.
3. Individual trees.
4. Critical habitat areas.
5. High-quality soil resources.

D) At least 75 percent of designated open space shall be contiguous with no portion less than 100 feet wide.

E) At least 50 percent of designated open space shall be designated as “green space” as defined in Section II and shall be maintained in a natural, undisturbed condition.

F) The remaining designated open space may be “community space” and may be used for passive or active recreation or the location of stormwater management facilities.

a. If used for stormwater management, all design, construction, maintenance, and public safety requirements shall be met using the design criteria set forth in the County stormwater management plan.

Section VII. Open Space Management

A) The boundaries of designated open space areas, recreation areas, stormwater management facilities, and green space shall be clearly delineated on plans, including record plats, to distinguish these areas from private property.

B) Development in designated open spaces in the future is prohibited. Ownership of open space shall be designated through one of the following options:

1. Ownership by the individual lot owners as a homeowners' association.

a) The deed to each lot shall include a proportionate share of the common open space. Each lot owner shall be required to be a member of a homeowner's association, which shall be formed prior to conveyance of the first lot. The assessment of dues or fees for structural improvements requires the affirmative vote of no less than two-thirds of the homeowners' association membership.

2. Conservation easement.

a) If owned by a separate entity, a conservation easement shall be established for the area as defined in subsection 3) below and shall be given to Lancaster County. *— may not want to hold it*

b) A conservation easement, established as defined in subsection 3), may be transferred to an established, designated land trust organization, among whose purposes is to conserve open space and/or natural resources. This option is recommended for natural open space areas. Such transfer is allowable, provided that.

- i. The organization is acceptable to the governing body of Lancaster County and is a bona fide conservation organization with perpetual existence;
- ii. The conveyance contains appropriate provision for proper reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its functions; and
- iii. A maintenance agreement acceptable to the homeowners' association is entered into by the developer and the organization.

3) The conservation easement shall

- a) 1) Protect open space from future development and environmental damage by restricting the area from any future building and from the removal of soil, trees, and other natural features, except as is consistent with

conservation, recreation, or agricultural uses or uses accessory to permit uses.

- b) Provide that residents have access to the open space at all times.
- c) Dictate whether open space is for the benefit of residents only or may be open to residents of Lancaster County.