

## Chapter 8 – Land Use

In the Fall of 2005, Lancaster County initiated the update of the 2000 Comprehensive Plan. The purpose of the Update is two-fold. The first is to meet the statutory requirement (Title 15.2-2223 of the State Code) that localities review their Comprehensive Plan at least every five years. Secondly, the County determined that the 2000 Plan and land use plan did not provide effective guidance and tools to manage land use and to preserve the County's natural beauty and rural character. Recently cited as "One of the Best Places to Live" in *Progressive Farmer* magazine, the County can expect to receive increasing interest from retiring baby boomers and others attracted to its unique scenic resources, extensive waterfront and high quality of life. Many would agree with Captain John Smith's assessment, made almost four hundred years ago in 1608, that the County is "a place where heaven and earth never agreed better to frame man's habitation." County officials often found themselves attempting to make incremental decisions on land use without clearly articulated guiding principles or maps in the Plan. Recognizing that improved policies and regulations were badly needed to help guide future land use, the County determined that the main focus of the update would be to revise the Plan's land use elements and related provisions in the Zoning and Subdivision Ordinances.

The Plan update began with a series of five public input meetings held in locations throughout the County. The following primary issues emerged through the course of the five meetings and other public input provided to the Consultant team.

- Preserve the County's rural character
- Preserve the quality of the County's waterfront
- Manage the quality and character of future development
- Preserve and increase public access to the county's waterfront
- Preserve historic character, buildings and sites
- Increase the supply of affordable housing
- Pursue economic development and increase jobs, particularly for young people and working-age adults
- Protect the watershed, groundwater, aquifers, drinking water, and waterways and ensure the adequate supply of potable water



- Prevent sprawl and ‘checker-board’ development
- Concentrate higher-density commercial and residential development in appropriate areas, particularly around existing villages and towns
- Increase recreational opportunities including parks, biking and trails and public access to water.

Following the public input meetings, the 2000 Comprehensive Plan was reviewed to determine the changes needed in the Plan document and the Zoning Ordinance to address these land use issues and goals. The issue of economic development is addressed in Chapter 7, while protection of water resources is primarily addressed in Chapter 3.

The remaining land use issues have been organized into four major themes or elements:

- I. Land Use Tools
- II. Quality Growth
- III. Rural Character and Heritage
- IV. Recreational Opportunities
- V. Quality Housing and Diverse Communities

## I. Land Use Tools

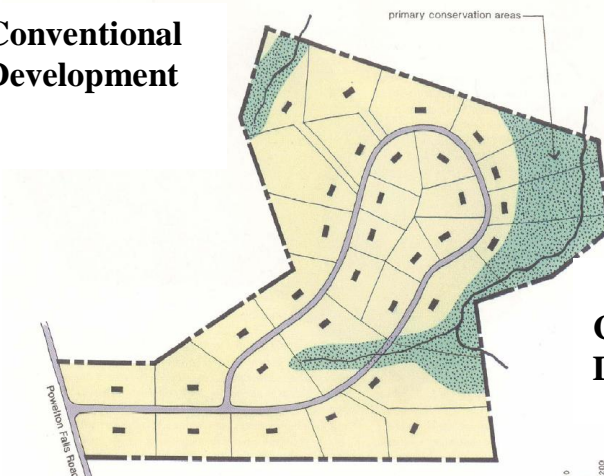
The following pages describe selected programs and approaches that should be implemented by Lancaster County.

### Conservation Development/Design

The terms ‘cluster development,’ ‘conservation subdivision or design,’ and ‘open space design’ are often used interchangeably to refer to a form of land development in which new homes are grouped together with the remaining land preserved as open space. The primary purpose of conservation development is to protect farmland and/or natural resources while allowing the same number of residences under existing zoning and conventional subdivision regulations. Some communities allow a greater density (see *Density Bonus*) in their local ordinances to encourage this approach to open space planning.

The following graphic indicates a ‘conventional’ approach to site design, where the maximum amount of open space is allocated on a per-parcel basis.

#### Conventional Development



#### Conservation Development



Randal G. Arendt- Conservation Design for Subdivisions 1996

One graphic shows a ‘conventional’ approach to site design, and the other illustrates a ‘conservation’ based approach. Both concepts propose 32 building lots, however the second graphic

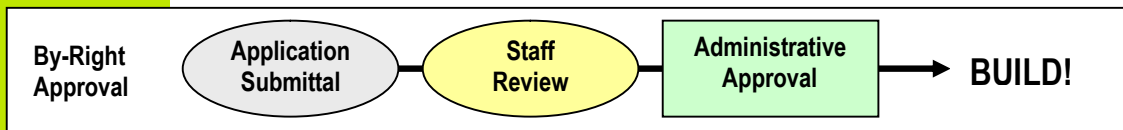
preserves a much larger portion of the site in common open space. The grouping of homes on one part of a tract is the primary difference between conservation development and conventional subdivisions in which new homes are evenly distributed throughout a parcel without consideration to environmental or cultural features.

Conservation development is usually applied to parcels that are at least 40 acres and larger. The requirements for the amount of open space vary among communities depending on land use objectives and site-specific characteristics. Most communities require at least 50 percent, with 70 to 80 percent being the most common. A minimum of 90 percent open space has been used in some communities where the goal is to preserve large tracts of agricultural or ranch lands.

### Development Approval Process/Expedited Permitting

#### By Right

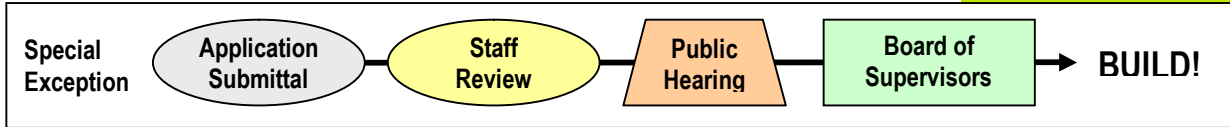
Most development that occurs is “by-right.” This means that the project meets all zoning requirements and is allowed to proceed with only administrative approval. In the case of Lancaster County, the Zoning Administrator is charged with approving all by-right applications and in many cases, all that may be required is a permit indicating compliance with the Zoning Ordinance.



#### Special Exception

Some uses and developments require “special exception” from the Board of County Supervisors. This is typically because the nature of the use or development is such that more intense scrutiny and discourse is required. For example, *special exception* approval is required to open an equestrian academy in the A-1 zoning district. In this case, the Zoning Administrator would review the application and pass it to the Board of Supervisors for final approval. At that time, the Administrator would also advertise that a public hearing is scheduled for the Board of Supervisors. At the hearing, the community would be provided with an opportunity to comment on the proposed application. At this time, the Board may (or may not) approve the application. Alternatively, the Board

may approve the applications but impose conditions and restrictions on the project. Depending on the jurisdiction, it is not unheard of for *special exception* applications to last a year or more. This added time creates additional cost for the builder as they are forced to pay interest on loans for the entire time.



Planned Unit Development

The process for approving a *Planned Unit Development (PUD)* is similar in some ways to the *special exception* process. Generally, the same hearings are held and the application might take the same amount of time, although both can be approved much more quickly if there is no opposition. A significant difference is that the *PUD* regulations can be tailored to provide significant flexibility to the applicant.

For example, the *PUD* regulations may speak very clearly to the overall density of the project and portions of the development where it abuts neighboring properties. However, it may provide broad latitude for housing types, lot sizes, or other elements that are on the interior of the project. Generally, a special exception is limited in the range of flexibility that is allowed, and the exception process is usually used to impose additional requirements to a project.

Streamlined Approval

If the intent is to encourage a certain type of development, then anything that can be done to expedite the approval process is important. Conversely, a burdensome approval process will discourage a given type of development. For example, if clustered development and open space retention is an important goal, then facilitating the approval process by allowing conservation development *by right* would encourage this type of development. Obviously, standards must be developed to ensure that any *by right* development meets County expectations.

Tailoring the development approval process to achieve desired goals can be a relatively simple and low cost task. Certain standards may have to be modified and clarified to ensure that adequate protection is provided and that the rules themselves are easy to interpret.

*Make it easy for people to do what you want them to do*

### Exclusive Use Zoning/Agricultural Conservation Zoning Districts

#### Permitted Uses in an Agricultural Conservation District:

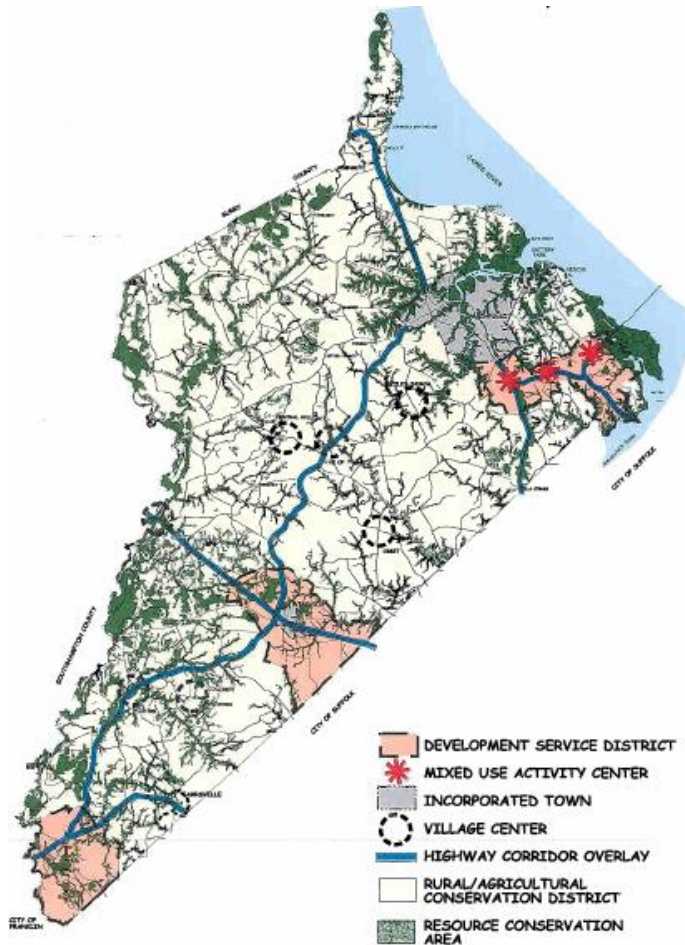
- Farming
- Forestry
- One household per farm
- Hunting/Fishing

Some communities establish agricultural conservation zoning districts that are very restrictive in the range of uses that they allow. In many agricultural conservation zoning districts, only farming or forestry (and other similar uses that have minimal development impact) are allowed. Other types of development, such as residential subdivisions or commercial development would not be allowed. This means that a rezoning to a residential or commercial zoning district would be required for anything but farming or forestry.

A modification to this could be that conservation residential development is allowed by right, provided a certain amount of open space is preserved. A conventional residential subdivision with larger individual lots would still require a rezoning (or perhaps a special exception), but a conservation development would be approved administratively (see *Conservation Development/Design*).

#### Example: Isle of Wight County, Virginia

Isle of Wight County allows only a very limited range of uses in its *Rural/Agricultural/Conservation District*. Any residential development must be in a designated *Development Service District* which basically limits this type of development to the areas around the city of Smithfield and a few smaller communities spread throughout the county that provide water and/or sewer. The *Development Service Districts* are areas where the County is interested in seeing increased development. The ordinance does allow a farmer to give property to a family member (*family member transfer*) where one home may be built, but is very restrictive overall.



Isle of Wight County Future Land Use  
Source: Isle of Wight Comprehensive Plan

## Purchase of Development Rights

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In the Fall of 2001, the Virginia General Assembly appointed a Farmland Preservation Task Force through the Department of Agriculture and Consumer Services to address growing concerns over the loss of agricultural land in the Commonwealth. The task force developed a report, *A Model Purchase of Development Rights (PDR) Program for Virginia*, after numerous meetings with representatives of jurisdictions with PDR programs within Virginia and in other states. According to the report, Virginia lost over 23,000 acres of agricultural land to development each year between 1992 and 1997, of which more than 10,000 acres (annually) was prime farmland.

Under a PDR program, a landowner voluntarily sells his or her rights to develop a parcel of land to a public agency or a charitable organization charged with the preservation of farmland. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title. The buyer (often a local unit of government) essentially purchased the right to develop the land and retires that right permanently, thereby assuring that development will not occur on that particular property. In placing such an easement on their farmland, participating landowners often take the proceeds from sale of the development rights to invest in their farming operations or retire from the business, allowing another farmer to purchase the land at lower rates.

Virginia Code provides even broader possibilities for purchasing development rights. Part of the Virginia Land Conservation Fund's purpose is to acquire property for the protection or reservation of ecological, historical or cultural resources. The criteria include provision for grants to localities for PDR programs. (§10.1-1020 Virginia Land Conservation Fund. Purposes of Foundation. Code of Virginia. Title 10.1 CONSERVATION. Chapter 10.2 Virginia Land Conservation Foundation. §10.1-1020 Virginia Land Conservation Fund. Purposes of Foundation).

While a PDR program does present opportunities for another tool for farmland protection, a main concern is the County's ability to administer the program given its current limited staff resources, especially over extended periods of time (10 – 20 years). Provided the County can fund a PDR program in an

amount sufficient to make significant land preservation possible, a PDR program could be successfully used in Lancaster County to preserve large amounts of farmland and open space. Under a typical PDR program, the land can continue being farmed or harvested, thus maintaining the ‘rural character’ of the County. By compensating the property owner for the right to develop his or her land, the County mitigates any economic hardship that may befall someone who is “land rich but cash poor.” However, the challenge is to develop a funding mechanism for the program.

## **Conservation Easements/Land Trusts**

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### *Description*

A conservation or open space easement is a legal contract made between a landowner and a public body or qualified conservation organization. Generally the conservation organization buys the development rights for the property. The easement limits present and future property development rights. It allows you to live on the property and use it for its traditional use, e.g., as a farm, forest, open space, and/or natural area, but protects it as well. The easement is legally recorded and bound to the deed of the property permanently.

Each easement is tailored to the specific characteristics and uses of the given property. Timber harvesting, farming, primary residences and other uses may continue while the land's unique characteristics - prime soils, endangered species habitat, wetlands, etc. - are protected. The easement protects the property's natural or open space values, assuring the land's availability for agriculture, forestry, recreation, open-space use, thus protecting natural resources, maintaining or enhancing air or water quality, or preserving historical, architectural or archaeological aspects of the property.

Easements rarely allow public use of the property. The "holder" of the easement, i.e., the land conservation organization with whom the landowner entered into the easement, is responsible for enforcing the protective covenants of the easement and is therefore allowed to conduct periodic inspections of the property. The landowner retains all rights to the property except for restrictions on future development rights specified in the easement.

**Natural Area Dedications** are a conservation option available to landowners of highly significant natural areas. The



landowner retains ownership and transfer rights of the land while voluntarily restricting land uses that are incompatible with the conservation needs of the natural area.

To be eligible for this program, a property must include one or more of these natural values: habitat for rare, threatened or endangered plant or animal species; rare or state significant natural communities; and rare or state significant geologic sites.

There may be financial incentives for dedicating land. Examples include possible reduced assessment for real estate purposes, reduction of federal estate and Virginia inheritance taxes, and a charitable deduction for state and federal income tax purposes.

In a similar vein, **Virginia's Registry of Natural Areas** program encourages voluntary conservation of significant lands in private and public ownership. To be eligible for placement on the registry, a property must support significant natural heritage resources for Virginia, such as: habitat for rare, threatened or endangered plant or animal species; rare or state significant natural communities; and rare or state significant geologic sites. The decision to register is entirely the landowner's. There is a voluntary, non-binding agreement that may be terminated by either party at any time.

For more information see:

[www.dcr.virginia.gov/dnh/registry.htm](http://www.dcr.virginia.gov/dnh/registry.htm).

### Land Trusts in Virginia

Virginia land trusts include The Virginia Chapter of the Nature Conservancy (TNC), the Chesapeake Bay Foundation, the Northern Neck Land Conservancy, and the Lower James River Association.

## **Buffering**

### Description

In rural areas, buffers are most commonly used for two primary reasons – to minimize the visual impact of a development – and to reduce the potential conflicts between residences and adjacent uses (ie, farmers spreading manure, operating loud machinery, etc.) 75 feet of native vegetation is a fairly typical requirement. The native vegetation helps to avoid the appearance of a



suburban, homogenous development and helps to achieve the goal of retaining a community’s rural character.



Buffers can make an area appear relatively undeveloped by screening buildings from the roadway. One of the most famous, and effective, examples of roadway buffers is in North Carolina’s Research Triangle Park. Seen from the roadway, the Park seems like a densely wooded forest. However, as the photo to the right shows, large tracts of the Park are occupied by very intense development.

Appropriateness for Lancaster County

Buffers can maintain a rural setting, however they do relatively little to actually preserve a rural, agrarian lifestyle or protect the environment. The area behind a thick buffer may be 100% cleared and this would be unknown to the casual passer by.

In order for a buffer to be effective at maintaining an undeveloped appearance, it has to be thick enough (have enough opacity) to effectively screen the buildings. Depending on the maturity, type and spacing of the vegetation, fairly deep buffers may be required. This may impose a hardship on landowners and business owners who may be forfeiting large portions of their land to buffer area or are struggling to attract customers because their businesses are hard to see.

In many parts of the County, lands have been cleared for farming and there is little existing vegetation that would serve to screen new buildings. In these cases, berms must be erected and new plantings installed. Until these plantings achieve maturity (which may take up to 10 years), much of the new buildings may be visible.

**Right-to-Farm Ordinance**

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Description

A *right-to-farm* ordinance is not directly related to land use and may be considered more of a statement of intent and an educational piece regarding a locality’s prioritization of the rural farmer.

Such measures generally have little regulatory effect, but seek

to reduce the opposition of urban neighbors to commercial agriculture as a nuisance generator. Many ordinances require that homebuyers who move to parcels adjacent to or near working farms be notified about the possible negative impacts of agricultural activities. In this way, the theory goes, new residents- especially those unfamiliar with rural living- would effectively learn about the realities of modern farming and would be less inclined to complain, or even go to court, about sprays, dust, odors, noise and other aspects of agricultural activities. The normal practices of farmers would thus be protected.



Right-to-farm ordinances can supplement the statutory protections that are provided by Section 3.1-22.28 of the Virginia Code that guarantee the right to farm and provide additional protection from nuisance lawsuits by individuals seeking to interrupt the operation of a farm or logging operation.

#### Appropriateness for Lancaster County

A *right to farm* ordinance would allow the County to emphasize and very publicly declare its commitment to preserving its farmland intent and its farming heritage. It may create some additional work for the County as it goes about the process of notifying landowners moving into properties near farms, but the costs or effort are not great. Another approach may be to develop flyers or notices that are distributed to all real estate agents practicing in the County that they may deliver to prospective home buyers.

### **Mixed Housing Types**

Residences within a conventional residential subdivision typically have one type of construction, parcel size and subsequent purchase price. Unfortunately, this lack of diversity in housing type and costs

means that most new homes are out of the price range of many County residents. Housing can often be made more affordable by allowing for higher densities and a mix of housing types and income levels. Mixing detached houses, rowhouses, townhouses and apartments, in combinations appropriate to the local site and market, allows for more expensive units to "subsidize" the necessary infrastructure, helping make other

units more affordable.

Developments with mixed housing types are becoming more commonplace as this segment of the market matures, and some communities are even mandating a mixture of different densities (this is still relatively rare). Design and performance standards can ensure compatibility between the different types of housing and buffering around the development can provide transitions to adjoining properties.

#### Appropriateness for Lancaster County

One approach that could be considered would be to allow housing type mixtures in a conservation development. With appropriate development standards, different styles of housing could be incorporated into a project that is almost invisible from the public roadway and adjoining properties. Furthermore, a reduction in the amount of infrastructure and site preparation needed to develop a more compact site could reduce overall construction costs and the corresponding price of homes.

### **Lot Standard Reductions**

Much of the cost associated with a home purchase is the cost of the land underneath the home. By reducing the overall size of the lot required, home prices can be significantly reduced.

Garden homes and zero-lot line developments are examples of development types where reduced setbacks can result in a more affordable housing product, while still maintaining privacy and adequate separation between homes.

Reducing lot size and setbacks can also allow more dwelling units on a more compact portion of a project which in turn can decrease the cost of housing in a development and provide more common open space. Some communities allow the reduction of development standards only for the affordable portions of a project, and may impose this through a special exception permit or planned unit development. In this case, the permitting process must be designed to minimize added cost to the project (see *Expedited Permitting*).

#### Appropriateness for Lancaster County

When used in combination with enhanced project buffering standards, a reduction in development standards for properties located on the interior of a housing project may be unnoticeable to passerby. Furthermore, standards which would

#### Example: Pinellas County, Florida

Pinellas County, Florida offers a wide range of incentives to encourage the construction of affordable housing.

Land use and development-related incentives include the following:

1. Parking reduction
2. 25% setback reduction for all homes located in the interior of a project.
3. Zero lot line homes.
4. Reduced street widths.

require a slightly smaller home on a more compact lot may appear less cramped than a typical 4 bedroom house on the same lot. This tool needs to be considered, and if selected, carefully crafted to ensure that overall product quality and livability is not sacrificed in the pursuit of maximum affordability.

### I. QUALITY GROWTH

The County desires to encourage well-managed growth that is consistent with the rural nature of the County, preserves the natural beauty of the County’s land areas and shoreline, and that ensures careful development of waterfront areas. Character areas have been identified to describe the desired land use patterns and characteristics and to serve as a guide for future land use decisions. The Character areas are shown on the County’s Future Land Use Map and illustrate the desired location and pattern of future land use, including the type and intensity of new residential, commercial or industrial development.

*Goal: Ensure orderly and well-managed land use that protects the County’s natural beauty, quality of life and its communities.*

#### Character Areas

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(see map on following page)

A **Planned growth Area (PGA)** includes existing locations of the highest level of residential, commercial, employment, and industrial activity with the highest level of existing public infrastructure, including public water and sewer. Most community services, such as hospitals and places of higher education, are located in the PGA. The primary centers of commercial and development activity in the County are the three towns of Kilmarnock, White Stone and Irvington. The unincorporated area located between the towns, in a roughly triangular shape, is designated as the PGA for the County.

- The vast majority of all new higher density residential and intensive commercial activity should be directed to the PGA.
- Investments by the County in new or improved public infrastructure and community services will be first directed to the PGA.
- Generally, appropriate development in the PGA includes medium-density single-family and multi-family housing.
- Commercial activity includes small to large commercial and retail activity, offices, industrial parks, and warehousing and distribution facilities.
- Industrial portions of the PGA include locations most suitable for warehousing and storage facilities, light manufacturing plants and some public facilities.
- Existing agricultural activities should be allowed to continue.

*Heavy industrial and manufacturing activities with a significant noise, air quality, water quality, or visual impact, as well as significant impact on county roads are not considered appropriate for Lancaster County.*

[NOTE: INSERT CHARACTER AREA MAP HERE- 11x17  
FORMAT]

**Secondary Growth Areas (SGAs)** are appropriate for concentrating low-density residential and commercial development. There are several traditional village centers

located at key crossroads throughout the County that were once centers of residential development and commercial activity.

**The Rural Villages of Lancaster County:**

Lancaster County is fortunate in that many of the historic crossroad communities remain relatively unchanged from their early days as points of trade or commercial development. The Comprehensive Plan recognizes that preservation of this character is important to preserving the County's history. Furthermore, the Plan recognizes that no two rural villages are the same. Therefore, the County has developed the Rural Village Overlay District which is intended to be applied to the villages of Lancaster County.

The ordinance adopting a particular Rural Village Overlay must contain two parts: A **guiding plan** that describes the various development characteristics and design guidelines for the overlay; and a set of overlay **district standards** that provides dimensional requirements, a schedule of permitted uses, and other development requirements that must be satisfied. The guiding plan and standards must be tailored to accommodate appropriate development patterns for the particular rural village or other area where it is being applied and reflect local community input.

Four of these villages - Lancaster, Lively, Morratico and Weems - are the most suitable locations for SGAs. Generally, appropriate development in the SGAs includes low-to-medium density single-family housing (1-2 dwelling units per acre), low-density multi-family housing (up to six units per acre), small to medium-scale retail activity, offices, and light manufacturing uses with appropriate development standards to ensure compatibility.

**Rural areas** include those areas that the County wants to retain as farmland and open space. Locations include prime farmland areas and land that is unsuitable for development due to environmental constraints. Rural areas may also be appropriate for compact residential development occurring in conservation subdivisions. Conservation Design for Subdivisions by Randal G. Arendt identifies conservation subdivisions as “residential developments that maximize open space conservation without reducing overall building density and where half or more of the buildable land area is designated as undivided, permanent open space.” Well-designed conservation subdivisions offer far greater opportunity for significant open space than do conventional subdivisions. They also can help to mitigate or avoid the ‘checkerboard’ development or sprawl by allowing for efficient and creative residential development. They typically allow access to and enjoyment of open space over large-lot subdivisions where the benefit of the undeveloped area or ‘open space’ is primarily retained for homeowner only. The retained open space can serve as active and/or passive recreation space for residents and the wider community. The increased design flexibility allows for septic systems to be placed on the best-suited soils on the individual parcels or to be located ‘off-site’ including in the



open space area. Development intensity (density) in conservation subdivisions should not exceed allowed densities for the district, except through a design review process that allows community involvement. These areas are also suitable for forests and forestry, parks and recreational space.

**Residential** areas include primarily those areas in the County that have already been approved for residential development or have been developed for residential use. Recognizing that many of these areas have already been developed, new development in the vicinity should reflect existing defined development patterns and be sensitive to established context. Residential areas are located in proximity to the larger towns and concentrations of development. These may also be located in the Planned Growth Area

**Reservoir overlay districts** include eight potential impoundment or reservoir sites identified in a 1973 study. These sites will be carefully managed, and decisions will be reached on which of these sites and their adjoining watersheds should be protected from intensive development. Ensuring an adequate supply of drinking water is important, as the County is entirely dependent on groundwater for its drinking supply. There are well founded concerns that groundwater alone is insufficient to accommodate the County's needs. Appropriate activities in these areas are those with a relatively small "footprint" such as low-intensity agricultural and timbering uses, open air and low-polluting commercial and industrial uses including timber storage, and very low density residential development. Uses which have the potential to contaminate the ground (certain industrial and manufacturing uses) are prohibited. Uses with high infrastructure and capital investment costs are discouraged from locating within areas identified as potential reservoir sites.

**Historic Districts and Places** include sites and buildings that are listed on the National Register of Historic Places, the Virginia Landmarks Register and other identified areas of historic or archeological significance.

**Public Parks and Recreation** includes publicly owned or controlled parkland and recreational sites.

**Public Lands and Facilities**

This category includes all publicly owned lands such as County or State offices, schools, libraries and fire stations and any

publicly-owned or controlled water access points.

### **Towns/Incorporated Areas**

This category includes the three towns of Kilmarnock, White Stone and Irvington.

### **Waterfront Overlay District**

The County wishes to encourage development that preserves the natural beauty of the shoreline and ensures careful development of waterfront areas in a manner that will reduce the risk of water quality degradation in the Chesapeake Bay and its tributaries. To accomplish these goals, the County's Land Development Code includes the Waterfront Residential Overlay that applies to parcels, within all zoning districts, recorded on or after May 11, 1988, which are for residential use or residential development and lie within 800 feet of tidal waters and wetlands. The regulations apply to the first 800 feet landward from tidal shores and wetlands for large parcels having a depth of 800 feet or more as measured landward from the shores or wetlands. Wetlands include tidal and non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams. Development within the waterfront residential overlay district must conform to the requirements of both the overlay and the underlying base district or the more restrictive of the two. To protect the water quality of the Chesapeake Bay and its tributaries, development along the County's shoreline will primarily consist of low-density residential development.

### ***Objective I-A:***

**Make growth and development consistent with the Future Land Use Map and the County's Vision Statement.**

#### **Strategies:**

- Utilize the County's traditional village-oriented development to encourage the concentration of higher intensity land uses to help retain the County's rural nature, meet the needs of citizens throughout the County and maximize the efficiency of public infrastructure and services.
- Future development and land use decisions should be consistent with the Future Land Use Map and character areas.

- Concentrate commercial and residential development in appropriate areas, particularly around existing villages and towns.
- Discourage development of areas with poor soils, high water tables, steep slopes or areas with other environmental constraints.
- Promote and participate in the development of a Regional Land Use Plan for compatible land use at the borders of jurisdictions.
- In coordination with an economic development program that identifies the type of industrial and commercial development desired by the County, identify the most appropriate areas in the County for location of supporting facilities and infrastructure.

***Objective I-B:***

**Ensure new development complements and enhances character and quality of existing neighborhoods and communities.**

Strategies:

- Evaluate rezonings and conditional use permit applications to ensure consistency with the Comprehensive Plan and compatibility with the character of the surrounding area.
- Ensure that the scale, character and density of new development is compatible with adjacent land uses.
- Encourage development with design features such as varied building orientation and setback, lot size, façade treatment, open space and landscaping to help avoid the visual repetition of suburban sprawl.
- Reduce the number of permitted uses in existing zoning districts to avoid mixed, incompatible uses within a zoning district.

***Objective I-C:***

**Protect potential future reservoir sites to ensure the provision of adequate water supply.**

Strategies:

- Eight potential impoundment or reservoir sites were identified in a 1973 study. Preserving these sites to meet future demand is very important for a County that is entirely dependent on groundwater for its drinking supply. The County should create a special reservoir overlay zone to protect the impoundment areas from encroaching development.
- Create a new or join an existing State Water Management Area.
- Pursue coordination with the Northern Neck Planning District Commission to join a regional Water Management Area.

**II. RURAL CHARACTER AND HERITAGE**

Lancaster County is fortunate to have retained many of the aesthetic qualities ascribed to rural areas: beautiful roadways through forested acreage; postcard-like vistas of open water, wetlands, and marshes; and picturesque villages and hamlets that are the commercial and cultural centers of any rural community. It is important to emphasize that these rural lands are not sitting vacant or unused. Many farms are still engaged in active agriculture, and many forested areas are used for ongoing timbering operations.

**GOAL: PRESERVE LANCASTER COUNTY’S RURAL CHARACTER AND HERITAGE**

Retaining the County’s rural character involves three objectives:

- A. *Protect farmland and agricultural resources*
- B. *Preserving undeveloped open space and views along roads and waterways*
- C. *Preserving the county’s historic resources*

The following section provides a detailed description of each policy and identifies objectives and strategies for implementation and successful achievement.

**Objective II-A:**  
***Protect Farmland and Agricultural Resources***

**DESCRIPTION**

Farming is an important component of the County’s economic history. Farmlands provide the “aesthetically pleasing landscape” referred to by many citizens, contribute to the local economy, and also assist with recharging groundwater aquifers. According to the 2000 Census, employment related to farming, fishing and forestry declined over 65% between 1990 and 2000 (253 jobs to 85 jobs). The change in employment does not necessarily imply a direct correlation in the reduction of land in agricultural use, but does indicate trends in agriculture-related activity.

**Lancaster County’s rural character...**

**Physical Appearance**

- ◆ *Farmland*
- ◆ *Natural unspoiled vistas and viewscapes*
- ◆ *Connections to land and water*
- ◆ *Small town feel*
- ◆ *Rural roads*
- ◆ *Open space*

**Activities**

- ◆ *Farming*
- ◆ *Timbering*
- ◆ *Hunting*
- ◆ *Crabbing*
- ◆ *Oystering*
- ◆ *Fishing*

**Objective II-A:****Protect  
Farmland and  
Agricultural  
Resources**

Coinciding with the decline in agricultural employment is increased development pressure as people move in, attracted by the County's rural character and easy lifestyle. This has the potential to change the natural landscape. Gradually, undeveloped fields and forests are being developed as housing, stores and offices, and other buildings. This is not to say that development itself is negative. New businesses bring much needed jobs to the County, and the shops and offices bring more choices and alternatives to residents. Additionally, the ability to make economic use of the land is very important to many in the community who may be "land rich" but "cash poor." In other words, development can bring many benefits and challenges.

The County has two Agricultural Zoning Districts (A-1 and A-2). Lands within these districts comprise a significant portion of the total county land area. As currently specified, the minimum lot size in these districts is **2 acres in the A-1 district** and **33,000 square feet in the A-2 district**. This means that a 100 acre farm in the A-2 district could conceivably be turned into a development with almost 120 homes (it does not equal to 100 acres divided by 33,000 square feet because roads, drainage, landscaping, and other features prevent the construction of homes on the entire site). In reality, the actual number of units will likely be less based on site suitability constraints such as wetlands, slopes, or other features.

The County also has the Highway Corridor Overlay District (HCOD) which is primarily designed to limit the number of driveways entering onto certain County roads and provide for some visual buffering of developments from the roadway. In general, the HCOD is a good approach for visually obscuring developments that are in already forested areas, because existing plant material can do a good job of screening the new buildings. However, on open farmland and other cleared areas, the screening may be inadequate or even seem out of character if the remaining portions of the property are all cleared lands.

Fortunately, some of the recent development activity in Lancaster County has focused on areas near existing towns, leaving many of the farmlands intact. However, it is likely that this development momentum could start impacting rural areas as farmers retire and capitalize on the equity in the land. Furthermore, from a development economics standpoint, the attractiveness of farmland due to the flat topography and lower

site clearing and preparation costs will only increase development pressure on these areas.

The County recognizes that different key policy approaches are required for farmland preservation versus open space preservation; and that effective farmland preservation and management efforts require a multi-faceted approach with many elements beyond land use policies and regulations.

**Virginia Land Use Statutes Addressing Rural Character**

The *Code of Virginia* has many statutes devoted specifically to land preservation. The following are some of the key sections that may have particular application in Lancaster County.

**Policy II-A:**  
  
**Protect  
Farmland and  
Agricultural  
Resources**

Statute	Title	Description
§ 3.1-22.28	Right to Farm	Establishes the right to engage in farming and forestry activity. Protects farmers and loggers from nuisance suits.
Title 10.1	Conservation	This entire title provides the legislation authorizing many forms of rural land conservation programs and agencies.
§10.1-1009 to §10.1-1016	Virginia Conservation Easement Act	This act authorizes the use of conservation easements. It also authorizes the levying of taxes that reflect the restricted usability of the land under the terms of the easement.
§ 10.1-1017 to §10.1-1026	Virginia Land Conservation Foundation	Establishes the Foundation and authorizes it to receive donations of money and land. The Foundation can enter into conservation easement agreements with private landowners as well as purchase land outright.
§10.1-1700 to §10.1-1705	Open Space Land Act	Authorizes public bodies (for example, Lancaster County) to purchase, receive as dedication, or otherwise obtain land for use as open space. This acquisition does not have to be permanent and can last as little as five years. The public body can authorize farming or timbering on the land.
§10.1-1800 to §10.1-1804	Virginia Outdoors Foundation	The Foundation promotes the preservation of open-space lands and encourages private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth
§10.1-2100 to §10.1-2116	Chesapeake Bay Preservation Act	Restricts and governs certain land use and development activities in the lands that drain into the Chesapeake Bay. Imposes limits on the amount of land that can be cleared, amounts of impervious cover, and other activities that can affect the receiving watershed.
§15.2-2316.2	TDR Enabling Legislation	Authorizes local governments to initiate a Transfer Of Development Rights program.
§15.2-2286.1	Clustering	Authorizes local governments to preserve open space through the use of conservation development standards.

Strategies:

- Allow residential subdivisions utilizing conservation design in the *Rural* character area.
- Require rezoning to a residential zoning district for all conventional subdivisions in the *Rural* character area.
- Promote the use of conservation easements in the Rural character area.
- Require all new development to be buffered from the roadway to minimize the visual impact.
- Explore the development of a County PDR program to purchase development easements on sensitive lands.
- Promote the use of bargain sales to promote the conservation of sensitive lands.
- Explore the use of expedited permitting for subdivisions utilizing cluster design throughout the County.
- Allow mixed housing types in conservation subdivisions with adequate buffering to minimize visual impact from surrounding properties and roadways.

***Policy II-B:***

***Preserve, protect, and promote agricultural activities.***

There are several programs that have been used successfully throughout the United States, including the Commonwealth of Virginia, that offer a variety of means to manage and preserve farmland and open space. The following strategies will help the County ensure that farming and timbering remain viable alternatives.

Strategies

- Develop a comprehensive farmland and open space protection program with a blend of land use and economic policies and actions.
- Update the inventory of land still in agricultural use as a first step to allow for improved farmland management and development of a comprehensive farmland protection program.
- Direct new residential and commercial development to designated growth areas (see Objective 2A).
- Refine the list of permitted uses within the agricultural



areas to limit those uses related to agricultural community activities.

- Adopt a right-to-farm policy statement to allow activities related to farming operations to continue. Provide information about farming practice and its cultural and economic importance in Lancaster County to prospective homebuyers.
- Revise the A-1 and A-2 zoning districts as follows:
  - Require residential conservation subdivision, (not to exceed the maximum density allowed) in the A-1 and A-2 zoning districts.
  - Develop conservation subdivision design standards to encourage efficient land use and preservation of land area adequate to function as farmland. Require applicant to submit a “Plan of Development” for courtesy review by the Planning Commission and Board of Supervisors. This will allow public officials to better understand the project.
  - Impose a maximum lot size for residential subdivisions (suggest 5,000 square feet). Minimum lot size will be dictated by building footprint requirements.
  - Allow all housing types in a conservation subdivision.
  - Limit buildable area to 20% of the project site.
  - Calculate allowable development density (unit yield) at 3 units per acre of buildable area.
  - Grant a density bonus of 33% (1 unit per acre) for projects that include at least 25% affordable housing.
  - Prohibit building on steep slopes, floodplain, or wetlands, and discourage building on prime farmlands.
- Residential design standards should also provide for appropriate transitions and buffering between the residential component and open space areas, farming activities, and nearby properties or roadways.
- Revise the Zoning Ordinance to require Residential Zoning for all conventional residential subdivision activities to strengthen the County’s ability to manage future land use in identified agricultural areas.
- Amend the Lancaster County zoning ordinance to ensure that non-agricultural uses do not compromise

***Policy II-B:***

***Preserve, protect,  
and promote  
agricultural  
activities.***

agricultural and silvacultural uses or lands.

***Policy II-C:***

***Preserve the historic resources and archaeological sites that reflect the County’s heritage and historical significance***

The County’s historic buildings and other resources are an important part of the County’s identity and character and should be protected. Chapter 6 of the Plan notes the importance and benefits of historic preservation. It includes a partial listing of the County’s historic resources and a policy goal with four objectives for historic preservation. Additional strategies include the following:

Strategies:

- Provide property owners with information on how to have their properties included in the Virginia Landmarks Register or the National Register and how to seek available Federal rehabilitation tax credits.
- Create and maintain a computerized inventory, listing and map of all significant historic, cultural, architectural and archeological sites. The Virginia Department of Resources provides a resource for technical and financial assistance to local jurisdictions. Include all identified historic, cultural, archeological and architecturally significant sites on a map in the amended Comprehensive Plan.
- Require surveying, identifying and mitigating adverse impacts on proven historic resources as a condition for rezoning and special use permits.
- Encourage voluntary efforts for historic preservation, including donation of preservation easements by property owners.
- Utilize strategies such as brochures with local landmarks, local landmark signs, and driving tours.

***Policy II-C:***

***Preserve the historic resources and archaeological sites that reflect the County’s heritage and historical significance***

***Policy II-D:***

***Preserve open space and views along roads and waterways***

County residents desire to retain the views along the County's roadways and are concerned over the potential impact of any type of development on these views.

Strategies:

- Promote land use practices to preserve the rural character and qualities of the County.
- Allow low intensity field crop farming as a by-right use in reserved open space areas.
- Allow efficient development patterns that prioritize preservation of open space, wooded areas, and other features
- Conditionally allow residential subdivisions to protect agricultural land and open space.
- Discourage commercial and residential sprawl along road corridors through inappropriate rezonings.
- Revise the Highway Corridor Overlay District to better protect the rural character and to encourage appropriate development. (The Highway Corridor Overlay District currently applies to Routes 3, 354, and 200 and the James B. Jones Memorial Highway within the County limits).
- Provide incentives to retain stands of trees, open spaces, and other buffer areas. Incentives may include lot size flexibility or site layout flexibility in exchange for increased buffering from the roadway.
- Establish a County-administered land trust program to help preserve open space, farmland, and undeveloped natural areas along the County's roadways and waterways.

***Policy II-D:***

***Preserve open space and views along roads and waterways***

### III. RECREATIONAL OPPORTUNITIES

Lancaster County needs additional recreational facilities and opportunities, including bicycle and pedestrian paths and trails.

*Goal: Provide a range of recreational facilities and activities to accommodate the needs of all County residents*

#### ***Policy III-A:***

***Develop a comprehensive system of pathways and trails suitable for use by bicyclists, pedestrians, and equestrians***

Chapter 6 states the County has adopted a series of Class III (shared with the existing roadway) bikeways which extend throughout the County and includes a related map, *Bicycle Trails of Lancaster County*, with a plan for bikeway improvements. Lancaster County should use this existing Bicycle Trails Plan as the basis for developing a more comprehensive county-wide multi-use trail, bicycle and pedestrian system. The system would serve both short-distance trips between neighborhoods and nearby services, and also longer-distance transportation and recreational users.

#### Strategies:

- Expand upon the Bicycle Trails Plan to develop a comprehensive County-wide Bicycle and Pedestrian Trails Program with a prioritized list of improvements for implementation.
- Inventory and map existing bikeways, sidewalks and trails to determine location and condition as the starting point for the County-wide Bicycle and Pedestrian Trails Program.
- Include the action steps in Chapter 6 (Section B. Highways, 3. Planned Highway Improvements by VDOT, C. Bicycle Trail) in the Bicycle and Pedestrian Trails Program. Bike paths and sidewalks will be considered in the design of improved and new road projects. Small projects such as painting bike lane stripes on existing roadways with sufficient pavement width, minor grading, gravel compaction, and vegetation

trimming will be undertaken as a means of improving safety and utility. Consistent with the plan, additional grant funding will be sought to carry out such larger projects as bridge widening, separate path construction, and shoulder paving.

- Encourage developers to construct bikeways and sidewalks for transportation and recreation purposes.
- Seek the use of utility rights-of-way for bicycle and pedestrian trails.

***Policy III-A:***

***Develop a comprehensive system of pathways and trails suitable for use by bicyclists, pedestrians and equestrians***

***Policy III-B:***

***Develop a Parks and Recreation Program***

Chapter 6 identifies existing publicly and privately-owned recreational sites and facilities. It also includes a list of standards for a range of recreational facilities including baseball and softball fields, basketball, tennis and swimming pools and notes that these standards “may be adjusted as appropriate for Lancaster County.” One way in which the County’s population is distinctly different from the rest of the state is its relatively high percentage of residents over the age of 65, estimated to be almost 30% in the 2000 US Census versus 11% statewide. Demographic trends such as these suggest that the County needs to take additional steps to better identify the recreational opportunities that are most appropriate and desired by residents.

Strategies

- Establish a citizen’s committee charged with making recommendations for projects and improvements to be included in the Parks and Recreation Master Program with a prioritized list of desired improvements and facilities.
- Conduct an inventory of the current publicly-owned and privately-owned recreational facilities that are accessible to the public.
- Survey County residents to determine recreational needs and priorities.

- Use the Program as a basis for identifying proffers for development or redevelopment
- Many citizens identified improved public access to the water as a desired element of recreational opportunities in the County. The ‘Public and Private Access to Waterfront Areas Plan’ in Chapter 5 includes several goals and objectives to improve public access to water, and should serve as the basis for this element of the County’s Parks and Recreation Program.

#### IV. QUALITY HOUSING AND DIVERSE COMMUNITIES

Lancaster County needs more ‘affordable’ or ‘workforce’ housing in the County along with the need for a diverse housing stock. About 84% of the approximately 614 residential building permits issued in the County between 2000 and 2005 were for single-family residential units. Additionally, much of the new development was and continues to be located on very expensive waterfront areas. According to the 2000 Census, about 3.2% of existing homes in the County were in multi-unit structures, as compared to over 21% statewide. The great majority of land in the County is zoned for large-lot development (one dwelling unit per one or per two acres). Meanwhile, the median income in the County, an estimated \$33,239 in the year 2000, was significantly lower than statewide (\$46, 677).

Lancaster County desires to retain its diverse, eclectic housing and communities with a range of housing types and income levels located in close proximity, as an important component of community character. The County also desires to address and reduce substandard housing conditions and deteriorating older housing stock.

##### ***Goals:***

***Provide a range of housing options and types to preserve the diversity of the County’s communities and to meet the housing needs of County residents.***

***Achieve high-quality design, construction and appearance of existing and new residential development and neighborhoods***

##### ***Policy IV-A:***

***Allow for a range of choice in housing type, design, density and price***

##### ***Strategies***

- Encourage diverse and innovative housing and subdivision design.
- Revise the County’s Zoning Ordinance to allow for a variety of housing types with appropriate

development standards to ensure compatibility with surrounding development.

- Ensure an adequate supply of land in appropriate locations is provided for medium and *high-density* residential development.
- Encourage infill development in residential areas to minimize development costs and maximize the development potential of land convenient to public facilities and services.
- Revise the Zoning Ordinance as necessary to allow for increased flexibility in residential districts. These revisions could allow conservation subdivision, zero-lot line development, accessory apartment, mixed housing types and other innovative design options with appropriate development standards.
- Provide bonuses or incentives to development proposals that address the need for affordable housing.
- Review family member transfer standards to ensure regulations are not creating an undue burden on families.
- Revise and adopt the improved R-2 district to allow for additional multi-family housing development with appropriate development standards to prevent unwanted development patterns and provide transitions between different development styles.
- Coordinate with neighboring jurisdictions to develop a regional approach to housing needs including a regional inventory of housing needs.
- Work with lending institutions, state and federal agencies and private parties to increase affordable home ownership opportunities for both for-sale and rental housing

***Policy IV-A:***

***Eliminate substandard housing conditions***

Strategies

- Review the adequacy of the County's building code standards to provide for safe housing.
- Continue enforcing building and safety codes.
- Support the efforts of private and nonprofit groups to improve the condition of the County's housing



- stock.
- Develop an information campaign to educate the public about local, state and federal programs that assist home repair, preventive maintenance and sanitary health conditions. Such programs include the Virginia Housing Development Authority's housing rehabilitation and winterization programs.
  - Continue to implement the County's Housing Choice Voucher Program which provides a subsidy to families living in rental property to make it feasible for them to live in decent housing.
  - Continue to implement the County's Indoor Plumbing/Rehab Program which provides grants or loans to assist in drilling wells, building septic systems, or installing plumbing systems to new or renovated housing.
  - Implement the Greentown/Gaskins Road Community Development Block Grant which will provide water and sewer services to residents of the Greentown/Gaskins Road community.
  - Continue to seek aid from the Federal Emergency Management Administration to elevate homes affected by storms out of flood plain areas to mitigate further damage.

## **Planning Process**

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In addition to land use issues, the County will improve the planning process itself, increasing opportunities for public participation in land use decision making, and improving the link between the Comprehensive Plan and the Zoning Ordinance. The County will also seek better coordination on land use planning between the County and the three towns.

## **Plan Implementation**

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Lancaster County has limited planning resources and staff, and like all other jurisdictions, many demands for public funds. Nevertheless, with public input, the County will develop an implementation program for the Plan, with short-term, mid-term and long-term priorities. A Plan Advisory Committee should be created and charged with semi-annual or annual progress review and reports on the implementation program.

Lancaster County is fortunate to have a large number of citizens who are committed to ensuring the overall quality of life in the County over the future. The County will utilize this resource by creating various citizen task forces charged with assisting to implement various elements of the Plan. These task forces will include representation from all perspectives of the County.