

## 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 codes did not provide effective 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:

1. Rural Character and Heritage
2. Quality Growth
3. Recreational Opportunities
4. Quality Housing and Diverse Communities

## **1. RURAL CHARACTER AND HERITAGE**

Lancaster County citizens strongly desire to preserve the County's rural, peaceful and quiet character and heritage.

***Goal: Preserve Lancaster County's Rural Character and Heritage***

Retaining the County's rural character involves three elements:

1. Protecting farmland and agricultural resources
2. Preserving the County's historic resources
3. Preserving undeveloped open space and views along *roads and waterways*

The following section identifies objectives and policies for each of the three elements and recommendations for Plan amendments.

### 1. Protecting farmland and agricultural resources

Of the 42,930 acres of land in Lancaster County considered to be prime for agricultural activity, 17,014 acres were still in use in 1990 for farming purposes. Farming is an important component of the County's economic history and 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. 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.

#### **Objective 1-A: Preserve, protect and promote the County's agricultural lands and activities.**

*There are several programs that have been used successfully in several states, including Virginia, that offer a variety of means to manage and preserve farmland and open space. An article produced by the Virginia Natural Resources Leadership Institute, "Smart*

*Growth and Conservation of Open Space: Private Markets, Public Responsibilities,” describes some of the more popular programs.*

- *The tax credit program of the Virginia Land conservation Incentives Act of 1999 allows landowners to receive an income tax credit equal to 50 percent of the fair market value of the donated land or easement. If the total tax credit exceeds the maximum annual allotment, the excess value can be carried over for a total of five years. Section 15.2-4400 of Virginia’s code allows localities to establish Agricultural and Forestal (A&F) Districts. These districts, which remain in effect for 10 years, restrict landowners’ development rights to agricultural and forestall uses, in return for which landowners pay lowest use property taxes, receive immunity from nuisance actions and limited protection for eminent domain actions by the states*
- *Transfer of Development Rights (TDR) programs protect areas by shifting development to alternative locations. Local governments establish a preservation area that restricts all development in protected areas.. In exchange, landowners in another location receive development-right credits to sell on the open market. Money received for the credits pays landowners in the preservation area.*
- *Purchase of Development Rights (PDR) allow a government agency or nonprofit organization to acquire a property’s development rights. Such an arrangement places a conservation easement that ensures ongoing use as farm land or open space.*
- *A Conservation Easement is a voluntary legal agreement in which a landowner, in exchange for tax relieve, donates development rights to an organization. Virginia statute does not limit the length of duration of conservation easements.*

#### 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.
- Allow residential conservation subdivision by-right (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. Residential design standards should also provide for appropriate transitions and buffering

between the residential component and open space areas 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 agricultural and silvacultural uses or lands.*

**Objective 1-B: Preserve the historic resources and archaeological sites that reflect the heritage and historical significance of Lancaster County.**

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, and 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.

**Objective 1-C: 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 Historic 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).
- Establish setbacks from the edge of the roadway, instead of from the centerline of the road to ensure a more consistent 'look and feel' along the various roadways.
- 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.*

## **2. 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 which 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**

A Primary Growth Area (PGA) includes existing locations of the highest level of residential, commercial, and employment 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 will be directed to the Primary Growth Area. 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 housing (2-4 units per acre), multi-family housing (4-6 units per acre), small to large commercial and retail activity, offices, industrial parks, and warehousing and distribution facilities.

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 residential areas are primarily 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 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.

Rural/Agricultural Areas include those areas that the County wants to retain as farmland and open space. Locations include prime farmland areas and areas that are unsuitable for development due to environmental constraints and to protect ground and surface water supplies and to conserve natural, historic and scenic resources.

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 recognize existing defined development patterns and be sensitive to established context. Residential areas are located in proximity to the larger towns and concentrations of development.

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 and 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 such as 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.

Industrial/Employment includes locations most suitable for warehousing and storage facilities, light manufacturing plants and some public facilities. Heavy industrial and manufacturing activities with a significant noise, air quality, water quality, and visual impact, as well significant impact on county roads, are not considered appropriate for Lancaster County.

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 which 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 nontidal 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 districts 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 2-A: Manage development to ensure new growth and redevelopment is consistent with the Future Land Use Map and the County's Vision Statement.***

### Strategies:

- 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.
- *Utilize the County's traditional village-oriented development to encourage the concentration of higher intensity land uses to help retain the rural the County's rural nature, meet the needs of citizens throughout the County and to maximize the efficiency of public infrastructure and services.*
- *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 2-B: Ensure that new development complements and enhances the existing quality and character of existing neighborhoods and communities.**



- 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 2-C: The County should ensure the provision of adequate water supply by protecting potential future reservoir sites.**

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.*

**3. 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***

**Objective 3-A: Develop a comprehensive system of pathways and trails suitable for use by bicyclists, pedestrians, and horse riders**

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.*

### **Objective 3-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 recreation 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.

## **4. 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 traditional 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 desire 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***

**Objective 4-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*

**Objective 4-B: Eliminate substandard housing conditions**

- *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*

**Planning Process**

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**

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 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.