

Dear Friends,

Attached please find a set of proposed zoning ordinances for Lancaster County. **Please consider the material “draft material”**. At the next meeting I will go through the major changes from the existing ordinances, answer questions and receive comments or proposals for further improvements.

We need to discuss if we need both a RPUD ordinance and a R-2 ordinance – or if we need either of them. The R-2 is the work of **Bill Warren and Joe Urban** and I have done the RPUD. It is not that I like either of them very much.

Let me just highlight a couple of the changes, we have made.

- Increased the minimum lot size for all districts.
- Combined C-1 and C-2 into one and limited the where commercial development will be allowed.
- Specified minimum area to be rezoned to C-1.
- Changed the wording of the R-1 intent statement, to limit commercial in R-1 district.
- Repealed R-3.
- Repealed A-2.
- Restricted the split up of existing A-1 and A-2 districts.

All the changes have the purpose of maintaining Lancaster County as a rural area, primarily consisting of farmland and single-family homes on relatively big lots, so plenty of green areas can be maintained.

I believe the zoning ordinances are the most important part of the Comprehensive Plan. Almost all the discussions we have had in the last couple of years have been about land use and very little about the rest of the plan.

Best regards

Anker Madsen  
Nov 6 2005

**ARTICLE 3. AGRICULTURAL, LIMITED, DISTRICT A-1**

## Statement of Intent

This district covers portions of the county which are occupied by various open uses, such as forests, parks, farms, lakes, or marshlands and wetlands subject to the county wetlands commission. This district is established for the specific purpose of providing for safe and orderly shoreland development, facilitating existing and future farming operations, conservation of water and other natural resources, reducing soil erosion, protecting watersheds- and reducing hazards from flood and fire. Uses not consistent with the existing character of this district or in the provisions of any other law, state or federal, applicable to these portions of the county, are not permitted. To insure the success of the above goals it is intended that this district maintain the lowest density of development in the county.

**3-1. Use regulations.**

Only one building and its accessory buildings may be erected on any lot or parcel of land in the agricultural, limited district A-1. The structure to be erected or land to be used shall be for one or more of the following uses:

- 3-1-1. Single-family dwellings.
- 3-1-2. Individual manufactured homes, on a permanent foundation. (Ord. of 6-30-95)
- 3-1-3. (Repealed 6-30-95)
- 3-1-4. General farming, agriculture, dairying, and forestry.
- 3-1-5. Schools, churches, parks, and playgrounds.
- 3-1-6. Commercial boat landings, with a special exception.
- 3-1-7. Preserves and conservation areas.
- 3-1-8. Horticultural nurseries and greenhouses.
- 3-1-9. Clubs.
- 3-1-10. Portable sawmills, for temporary logging operations, with a special exception.
- 3-1-11. (Repealed 2-94)
- 3-1-12. Areas of basic seafood processing facilities with a special exception.
- 3-1-13. Cemeteries, with a special exception.
- 3-1-14. Home occupations as defined.
- 3-1-15. Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district.
- 3-1-16. Offstreet parking as required by this ordinance. 3-1-
- 17. Accessory uses as defined. 3-1-18. Boat pier, private.  
(Ord. of 2-94)

- 3-1-19. Golf courses, with a special exception.
  - 3-1-20. Lancaster County owned and operated animal shelter.
  - 3-1-21. Boat ramp, private.
  - 3-1-22. County-sanctioned public facilities.
  - 3-1-23. Major recreational equipment in accordance with article 19 of this ordinance.
  - 3-1-24. Accessory buildings. (Ord. of 4-95)
  - 3-1-25. Fire house and/or rescue squad, with a special exception.
  - 3-1-26. Community pier with a special exception.
  - 3-1-27. Equestrian academy with a special exception.
  - 3-1-28. Pet cemeteries and pet crematoriums, with a special exception. (Ord. of 10-26-95)
  - 3-1-29. Disposal of dredge spoil, with a special exception.
  - 3-1-30. Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)
  - 3-1-31. Outdoor Ranges, with a Special Exception. (Ord. of 10-23-97)
  - 3-1-32. Land application of biosolids in accordance with chapter 26, article VI, of the Code of Ordinances. (Mins. of 11-24-03)
- (Ord. of 12-4-92; Ord. of 3-25-93; Ord. of 4-29-93; Ord. of 7-29-93; Ord. of 1-25-96(1); Ord. of 10-24-96(1)); Ord. of 11-14-96(1); Ord. of 10-23-97; Ord. of 5-28-98)
- 3-1-33. Private airstrip or private heliport, with special exception
  - 3-1-34. Sawmill, with special exception

### **3-2. Area and density regulations.**

3-2-1. Effective (date of this modification) all currently defined parcels within this district are designed "base parcels". Any parcels created after this date shall be ten acres or more. Base parcels less than twenty acres shall not be further subdivided. Parcels created as part of family subdivision may be a minimum of five acres, but are subject to the requirements set forth in paragraph 2-38 of the subdivision ordinance.

3-2-2. Density of the residential uses within this district shall not exceed one dwelling unit per ten acres for parcels over ten acres. Base parcels less than twenty acres are restricted to one dwelling unit and no credit is given for increments less than ten acres. The area of roadways wetlands, slopes exceeding 25 percent gradient, streams and 100-year floodplain cannot be developed and must be subtracted from the gross acreage of a base parcel prior to making density calculations.

3-2-3. For permitted uses utilizing individual sewage disposal systems, the required area for such shall be approved by the health official. The administrator, with the approval of the board of supervisors, may require a greater area if considered necessary by the health official. Conditional septic disposal system permits which limit the use of the subject property to a specified portion of the year are hereby strictly prohibited.

(Ord. of 12-4-92; Ord. of 8-94)

### **3-3. Setback regulations.**

Structures shall be located 100 feet or more from the centerline of any street or road right-of-way. This shall be known as the "setback line." Setbacks less than 75 feet but not less than 50 feet from the edge of the right-of-way may be permitted under a special exception issued by the board of supervisors.

(Ord. of 12-4-92)

### **3-4. Frontage regulations.**

*The minimum lot width for permitted uses shall be 200 feet at the setback line.*

### **3-5. Yard regulations.**

*3-5-1. Side. The minimum side yard for each main structure shall be 25 feet and the total width of the two required side yards shall be 50 feet or more. The minimum side yard for accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure. Accessory structures may be attached to the main structure by walkways, decks, patios, and steps.*

*3-5-2. Rear. Each main structure shall have a rear yard of 50 feet or more. The minimum rear yard for accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure. Accessory structures may be attached to the main structure by walkways, decks, patios, and steps.*

*(Ord. of 4-95)*

### **3-6. Height regulations.**

*Same as section 5-6.*

### **3-7. Sign regulations.**

*Sign regulations shall conform to article 11 of this ordinance.*



**ARTICLE 4. AGRICULTURAL, GENERAL, DISTRICT A-2**

## Statement of Intent

This district covers portions of the county which are occupied by various open uses, jych as forests, parks, or farms. This district is established for the specific purpose of providing for safe and orderly shoreland development, facilitating existing and future farming operations, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. To ensure the success of the above goals, it is necessary to maintain as low a density of development as possible. The character of this district should remain agricultural in nature with industry or commercial business permitted only when it will benefit the area without degrading the environment.

**4-1. Use regulations.**

Only one building and its accessory buildings may be erected on any lot or parcel of land in the agricultural, general, district A-2. The structure to be erected or land to be used shall be for the following uses:

4-1-1. Single-family dwellings. 4-

1-2. Two-family dwellings.

4-1-3. Individual manufactured homes, on a permanent foundation. (Ord. of 6-30-95) 4-1-4.

(Repealed 6-30-95.)

4-1-5. Manufactured home parks, with a special exception. 4-1-6.

Motels, with a special exception. 4-1-7. General farming,

agriculture, dairying, and forestry. 4-1-8. Sand and gravel pits,

with a special exception. 4-1-9. Schools, churches, parks, and

playgrounds:

4-1-10. Commercial boat landings, with a special exception. (Ord. of 10-24-96) 4-1-11.

Preserves and conservation areas.

4-1-12. Horticultural nurseries and greenhouses with garden supplies.

4-1-13. Clubs.

4-1-14. (Repealed 4-25-78.)

4-1-15. Sawmills, with a special exception.

4-1-15A. Stump/brush/scrap wood burning and/or chipping facility, with a special exception.

4-1-16. Boat piers, private. (Ord. of 2-94) 4-

1-17. (Repealed 1-28-88.) 4-1-18.

Cemeteries, commercial.

4-1-19. Areas of basic seafood processing facilities, with a special exception. (Ord. of 10-24-96)

ARTICLE 4. AGRICULTURAL, GENERAL, DISTRICT A-2

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4-1-20. Home occupations as defined.

4-1-21. Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district. (Ord. of 10-24-96)

4-1-22. (Repealed 12-4-92.)

4-1-23. (Repealed 2-94.)

4-1-24. (Repealed 2-94.)

4-1-25. Travel trailer camps, with a special exception.

4-1-26. Offstreet parking as required by this ordinance.

4-1-27. Accessory buildings. (Ord. of 4-95)

4-1-28. Golf courses.

4-1-29. Private airport, with a special exception.

4-1-30. (Repealed 2-25-93.)

4-1-31. Land application of biosolids in accordance with chapter 26, article VI, of the Code of Ordinances. (Mins. of 11-24-03)

4-1-32. Selling of fertilizer, farm chemicals, and grains, with a special exception.

4-1-33. (Repealed 12-4-92.)

4-1-34. Roadside stand, with a special exception.

4-1-35. (Repealed 12-4-92.)

4-1-36. Antique shop, with a special exception.

4-1-37. Post office, with a special exception.

4-1-38. Hospital, with a special exception.

4-1-39. Boat ramp, private.

4-1-40. (Repealed 12-4-92.)

4-1-41. County-sanctioned public facilities.

4-1-42. Major recreational equipment in accordance with article 19 of this ordinance.

4-1-43. Firehouse and/or rescue squad, with a special exception.

4-1-44. Community service building. (Ord. of 10-24-96)

4-1-45. Community pier. (Ord. of 10-24-96)

4-1-46. Bed and breakfast, with a special exception.

4-1-47. Equestrian academy, with a special exception.

4-1-48. Disposal of dredge spoil, with a special exception. (Ord. of 12-93)

4-1-49. Business offices in existing non-residential buildings erected prior to 1975, with a special exception. (Ord. of 1-94)

4-1-50. Underground storage of sewerage, with a special exception. (Ord. of 2-95)

4-1-51. Pet cemeteries and pet crematoriums, with a special exception. (Ord. of 10-26-95)

4-1-52. Private Heliports, with a special exception. (Ord. of 5-28-98; Ord. of 8-27-98(1))

4-1-53. Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)

4-1-54. Outdoor Ranges, with a Special Exception. (Ord. of 10-23-97)

4-1-55. Rowing Club. (Ord. of 10-26-00)

(Ord. of 2-4-92; Ord. of 2-27-92; Ord. of 12-4-92; Ord. of 3-25-93; Ord. of 4-29-93; Ord. of 7-29-93; Ord. of 11-22-93; Ord. of 10-24-96(1); Ord. of 11-14-96(2); Ord. of 10-23-97; Ord. of 5-28-98; Ord. of 8-27-98; Ord. of 8-27-98(1))

#### **4-2. Area regulations.**

4-2-1. Effective (date of this modification) all currently defined parcels within this district are designated "base parcels". Any parcel created after this date shall be five acres or more. Base parcels less than ten acres shall not be further subdivided. Parcels created as part of a family subdivision may be a minimum of two acres, but subject to the requirements set forth in paragraph 2-38 of the subdivision ordinance.

4-2-2. Density of residential uses within this district shall not exceed one dwelling per five acres for parcels over 5 acres. Base parcels less than ten acres are restricted to one dwelling unit and no credit is given for increments less than five acres. The area of roadways, wetlands, slopes exceeding 25 percent gradient, streams, and 100-year floodplain cannot be developed and must be subtracted from the gross acreage of a base parcel prior to making density calculations.

4-2-3. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator, with the approval of the board of supervisors, may require a greater area if considered necessary by the health official. Conditional septic disposal system permits which limit the use of the subject property to a specified portion of the year are hereby strictly prohibited.

(Ord. of 8-94)

#### **4-3. Setback regulations.**

Structures shall be located 75 feet or more from the centerline of any street or road right-of-way, but in no event less than 50 feet from the edge of the right-of-way. This shall be known as the "setback line."

#### **4-4. Frontage regulations.**

The minimum lot width for permitted uses shall be 150 feet at the setback line.

#### **4-5. Yard regulations.**

4-5-1. *Side.* The minimum side yard for each main structure shall be 25 feet and the total width of the two required side yards shall be 50 feet or more. The minimum side yard for accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure, accessory structures may be attached to the main structure by walkways, decks, patios, and steps.

4-5-2. *Rear.* Each main structure shall have a rear yard of 50 feet or more. The minimum rear yard for accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure. Accessory structures may be attached to the main structure by walkways, decks, patios, and steps. (Ord. of 4-95).



**4-6. Height regulations.**

Same as section 5-6.

**4-7. Sign regulations.**

Sign regulations shall conform to article 11 of this ordinance.

**ARTICLE 5. RESIDENTIAL, GENERAL, DISTRICT R-1**

## Statement of Intent

This district is composed of low to medium concentrations of residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to protect the water and shorelands of the county by providing for safe and orderly shoreland development; to stabilize and protect the essential characteristics of the district; to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. This district is protected against encroachment of commercial or industrial uses. This residential district is not completely residential as it includes public and semipublic, institutional, and other related uses. However, it is residential in character and, as such, should not be spotted with commercial and industrial uses.

**5-1. Use regulations.**

Only one building and its accessory buildings may be erected on any lot or parcel of land in the residential, general, district R-1. The structure to be erected or land to be used shall be for the following uses:

- 5-1-1. Agriculture, but with a special exception for animal and poultry husbandry on a commercial basis. **(Repeal)**
- 5-1-2. Single-family dwellings.
- 5-1-3. Individual manufactured homes with a permanent masonry foundation, undercarriage removed, a roof pitch of 3.25:12 or greater, a minimum of 24' in width, and declared as real property. Individual manufactured homes not meeting all these criteria, with a special exception.
- 5-1-4. Two-family dwellings, **with special exception**
- 5-1-5. Boardinghouse, with a special exception.
- 5-1-6. Bed and breakfast, with a special exception.
- 5-1-7. Boat piers, private. (Ord. of 2-95)
- 5-1-8. (Repealed 11-22-93.)
- 5-1-9. Areas of basic seafood processing facilities, with a special exception.
- 5-1-10. Churches and schools.
- 5-1-11. Resthomes, **with special exception.**
- 5-1-12. (Repealed 12-4-92.)
- 5-1-13. Hospitals, with a special exception.
- 5-1-14. Clubs and golf courses. (Ord. of 10-31-02)
- 5-1-15. Libraries.
- 5-1-16. Cemeteries.

5-1-17. Parks and playgrounds.

5-1-18. (Repealed 12-4-92.)

5-1-19. A professional office, with a limit of one unit and four workers per lot, with a special exception.

5-1-20. Home occupations, as defined.

5-1-21. Offstreet parking as required by this ordinance.

5-1-22. Accessory buildings. (Ord. of 4-95)

5-1-23. Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district. (Ord. of 11-14-96)

5-1-24. Windmills, with a special exception. **(Repeal)**

5-1-25. Boat ramp, private.

5-1-26. Reserved.

5-1-27. County sanctioned public facility.

5-1-28. Community pier.

5-1-29. Pet cemeteries and pet crematoriums, with a special exception. (Ord. of 10-95)

5-1-30. Disposal of dredge spoil, with a special exception.

5-1-31. Private Heliports, with a special exception. (Ord. of 5-28-98; Ord. of 8-27-98(1)) **(repeal)**

5-1-32. Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)

(Ord. of 12-4-92; Ord. of 3-25-93; Ord. of 4-29-93; Ord. of 1-25-96(1); Ord. of 10-24-96(1); Ord. of 11-14-96(3); Ord. of 5-28-98; Ord. No. 8-27-98; Mins. of 11-29-01)

## **5-2. Area regulations.**

### **5-2-1. The minimum lot size in this district is 5 acres**

5-2-3. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator, with the approval of the board of supervisors, may require a greater area if considered necessary by the health official. Conditional septic disposal system permits which limit the use of the subject property to a specified portion of the year are hereby strictly prohibited.

## **5-3. Setback regulations.**

Structures shall be located 75 feet or more from the centerline of any street or road right-of-way, but, in no event less than 50 feet from the edge of the right-of-way. This shall be known as the "setback line".

## **5-4. Frontage regulations.**

The minimum lot width for permitted uses shall be 100 feet at the setback line.

## **5-5. Yard regulations.**

5-5-1. *Side.* The minimum side yard for each main structure shall be 25 feet and the total width of the two required side yards shall be 50 feet or more. The minimum side yard for accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure. Accessory structures may be attached to the main structure by walkways, decks, patios, and steps.

5-5-2. *Rear.* Each main structure shall have a rear yard of 25 feet or more. The minimum rear yard for accessory structure shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure. Accessory structures may be attached to the main structure by walkways, decks, patios, and steps.

(Ord. of 4-95)

## **5-6. Height regulations.**

Buildings may be erected up to 35 feet in height from grade except that:

5-6-1. The height limit for dwellings may be increased ten feet and up to three stories provided there are two side yards for each permitted use, each of which is 25 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.

5-6-2. A public or semipublic building such as a school, church, library or hospital may be erected to a height of 60 feet from grade provided that the required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

5-6-3. Church spires, belfries, cupolas, silos, grain elevators and legs, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

5-6-4. No accessory building which is within 20 feet of any property lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

## **5-7. Special provisions for corner lots.**

5-7-1. Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets.

5-7-2. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory building.

5-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of 125 feet or more.

## **5-8. Sign regulations.**

Sign regulations shall conform to article 11 of this ordinance.

## ARTICLE 6. RESIDENTIAL, DISTRICT R-2

### Statement of Intent

The purpose of the R-2 classification is to provide areas for the construction of buildings, townhouses, condominiums, or other types of multifamily dwellings, in ~~reasonably~~ close proximity to existing high-density residential and commercial areas (providing that such areas have been designated for future R-2 development in the Comprehensive Plan). The R-2 classification is also intended to provide for adequate open spaces and green areas for the health, safety, welfare and leisure of those residing therein. High density development as permitted within the R-2 classification can be expected to generate substantial demands for supporting infrastructure facilities and therefore should be located near towns and village areas where adequate existing public utilities and transportation infrastructures are available. In addition, the R-2 classification is not considered appropriate for certain areas including predominately agricultural and rural regions with existing farms and woodlands, or for those areas located in, or in close proximity to, environmentally sensitive regions including scenic areas and trails; national, state, county, or local parks and trails. R-2 classification is not allowed within the designated Waterfront Overlay District.

The following regulations shall apply to all R-2 districts:

#### 6-1. Uses permitted.

[The following uses are permitted in the R-2 district:]

6-1-1. Townhouses, including rental projects, condominiums, or any other type of multifamily dwelling, including those that qualify under Code of Virginia, ch. 4.2, § 55-79.41 (d), (f), (g), (h), (i), (j), (n), and (p), as regulated herein with approval of the master plan by the board of supervisors, Lancaster County; however, said approval of the master plan does not exempt the applicant from the provisions of the Lancaster County subdivision ordinance, adopted September 20, 1990.

6-1-2. Accessory uses. The following may also be permitted provided that they are incidental to the above permitted uses: private parking garage for exclusive use of occupants, swimming pools, tennis courts, ,

similar recreation facilities, and accessory buildings and churches.

6-1-3. Major recreational equipment in accordance with article 19 of this ordinance.

6-1-4. Special exceptions. The following uses may be permitted by master plan approval: private clubs, restaurants, hotel/motel and similar commercial service units compatible with such development, with a special exception.

6-1-5. County-sanctioned public facility.

6-1-6. Disposal of dredge spoil, with a special exception.

6-1-7. Sales platform, temporary, with Zoning Administrator's approval.

6-1-8. Reserved.

(Ord. of 12-4-92; Ord. of 2-25-93; Ord. of 2-94; Ord. of 1-25-96(1); Ord. of 9-25-97; Ord. of 5-28-98; Ord. of 8-26-04)

6-2. Height regulations.

No new building, nor the enlargement of any building, shall hereafter be erected to exceed either 45 feet or to exceed 3 stories in height.

6-3. Area regulations.

6-3-1. Lot area. Each lot or plot shall have a minimum area of five acres (217,800 square feet).

6-3-2. Lot coverage. within the site boundaries of any lot or parcel, the total amount of the surface of the site after development covered by buildings, parkway, driveways, roads and any accessory buildings shall not exceed 40 percent.(Ord. of 10-24-96(1))

6-4. Yard regulations.

No building shall be erected, reconstructed, or altered nearer than 50 feet from any property boundary line, and sufficient distance between buildings shall be allowed, in order to secure adequate light, air, and distance between buildings.

6-5. Density.

The number of dwelling units shall not exceed five units per acre of total land area and ten units per building. ~~However, higher densities per acre may be permitted if deemed appropriate by the board of supervisors, and found not to be in conflict with this ordinance, as a condition of the master plan approval.~~

6-6. Minimum offstreet parking.

Two and one-half offstreet parking spaces shall be provided for each dwelling unit.

6-7. Master plan approval.

Every applicant for R-2 zoning classification shall file an application accompanied by a master plan or plat plan of the site area drawn to scale which shall include all necessary data in order that the zoning administrator can determine if the proposed use complies with the R-2 requirements. Data required shall include, unless waived by the zoning administrator:

- (a) The design of the sewage disposal system.
- (b) The solid waste disposal system.
- (c) Water supply and distribution plan.
- (d) Fire protection plan.
- (e) Is type 3b ordinary fire resistance construction planned?
- (f) Number of square feet contained in the site area.
- (g) Location of each building on the site, including any accessory buildings, utility structures, utility lines, streetlights, etc.
- (h) Size of each building including height and number of stories.
- (i) Ratio of area covered by buildings, parking space, driveways, roads, and accessory buildings to total site areas.
- (j) Location and general design and width of all driveways, curb cuts and sidewalks.
- (k) Location and number of proposed parking spaces, including any special parking areas for recreational vehicles, boats, and the like.
- (l) Location and identification of all other proposed facilities; i.e., swimming pools, tennis courts, etc.
- (m) Contours at appropriate intervals, flood profiles, and location of all drainage facilities.

- (n) Traffic plan.
- (o) Plan for the ultimate development of the site, including, but not limited to, planned landscaping, parks, lakes, and recreational areas. Additional pertinent information may be requested by the zoning administrator or the board of supervisors. At the request of the board of supervisors, the application shall include an impact statement containing the effect of the planned development and facilities upon the county's population, schools, roads, sewer, water, and other public services, as well as upon the county's economy and environment. Every application for R-2 zoning must be approved by the board of supervisors. The board may approve and accept a master plan if it is found, at a regular meeting, that the improvement and development proposed by the master plan: Substantially complies with the residential objectives of the comprehensive plan; Substantially complies with the uses permitted and use regulations of the R-2 district as set forth in this ordinance; Is functionally related to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; Is so designed and located that the public health, safety, and welfare will be promoted and protected; and Will be in accord with the purposes of the adopted comprehensive plan and, if officially approved, area development plans for the neighborhood. In appropriate cases the governing body may modify the uses and regulations permitted so as to conform with the general purpose and intent of the R-2 district.

In doing so, the following will be taken into consideration: grade, direction and intensity of traffic on adjacent roads, relationship to adjacent existing or permitted uses and buildings, particular dimensions, and orientation of the site, adequate open space between buildings, and in the case of cluster houses, the open space separating clusters or groups of buildings.

In approving and accepting a master plan, the governing body may designate such conditions in connection therewith as will, in its opinion, assure that the improvement and development will conform to the foregoing requirements, or modifications thereof, including, but not limited to, provisions for the protection of adjacent property, the expiration of said master plan approval after a specified period of time, access and design for off-street parking



and loading, as shall be deemed necessary to secure the general intent of the district and the best development of the neighborhood and to reduce injury to the value of the property in the neighborhood.

After a master plan has been approved and accepted by the governing body, minor adjustments of the master plan which comply with the spirit of this code and in the approval of the master plan, and with the general purpose of the comprehensive plan for the development of the area, may be approved by the zoning administrator. Deviation from an approved master plan without the written approval of the zoning administrator shall, at the discretion of the board of supervisors, void the plan and the board of supervisors may require the applicant to resubmit a new master plan for consideration.

6-8. Structures permitted above height.

Uses accessory to the principal uses of the building and penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, TV antennae, radio aerials, water tanks, silos or similar structures may be erected above the height limit herein prescribed provided that:

- (a) Except for smokestacks and chimneys that are an integral part of the penthouse, no roof protrusion shall exceed the height limit by more than 23 feet;
- (b) Elevator shaft housings, stairways, or mechanical equipment above the height limits shall be completely enclosed by the same quality architectural material as that used in the exterior of the building;
- (c) No penthouse or roof structure of any space above the height limit shall be allowed for the purpose of providing additional floor spaces for permitted uses.

**ARTICLE 18. WATERFRONT RESIDENTIAL OVERLAY, ALL DISTRICTS, W-1**

## Statement of Intent

The waterfront residential overlay zone is designed to protect the water, tidal shores, and wetlands, to include both tidal and nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams of the county by providing for environmentally safe and orderly waterfront development.

## Developmental Concept

To achieve the intent of the waterfront residential overlay and its regulations, certain developmental practices are encouraged. These include: the use of buffer zones for individual lots or community use along the waterfront; the employment of loop roads in developments to minimize the number of highway access points; community water access areas; and, where community or public sewerage systems are not planned, the inclusion of septic fields within each lot.

## Application

The waterfront residential overlay regulations apply to those parcels of land in the county 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. In the case of large parcels having a depth of 800 feet or more as measured landward from the shores or wetlands, the regulations apply to the first 800 feet landward from tidal shores and 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.

Residential apartment districts R 2 are exempt from the waterfront residential overlay. **(Delete this paragraph)**

Boundary line adjustments between or among adjoining parcels created prior to May 11, 1988, to include adjustments which merge two or more pre-existing parcels or lots shall be exempt from the waterfront residential overlay so long as the adjustment does not create a new nonconforming parcel or lot where one did not exist before and so long as the altered parcel or lot remains in compliance within the existing zoning district.

(Ord. of 11-94)

**18-1. Use regulations.**

In the waterfront residential overlay, all districts, only one main structure and its accessory buildings may be erected on any lot. Structures to be erected or land to be used shall be for the following uses:

18-1-1. Single-family dwellings.

18-1-1 A. Individual manufactured homes in nontidal areas, with a special exception. **(Repeal)**

18-1-2. Parks and playgrounds.

18-1-3. Community boat pier and/or ramp. (Ord. of 2-94)

18-1-4. Clubhouses and other community facilities.

18-1-5. Boat pier, private, 25 feet from extended property line, one per parcel with four tie-off pilings. (Ord. of 2-94)

18-1-6. Golf courses. (*repeal*)

18-1-7. Home occupations, with a special exception.

18-1-8. Public utility booster or relay stations, transformer substations, distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, associated with structures permitted in this district with a special exception.

18-1-9. Accessory buildings are subject to the same setbacks as the main building.

18-1-10. Community pier, with a special exception.

18-1-11. Disposal of dredge spoil, with a special exception.

18-1-12. Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)  
(Ord. of 10-31-91; Ord. of 2-4-92; Ord. of 12-4-92; Ord. of 4-29-93; Ord. of 1-25-96(1); Ord. of 5-28-98)

## **18-2. Area regulations.**

18-2-1. Lots within the residential overlay shall have a minimum of two acres (87,120 square feet).

18-2-2. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The zoning administrator may require a greater area if considered necessary by the health official.

## **18-3. Setback regulations.**

18-3-1. Structures shall be located 75 feet or more from the centerline of any street or road right-of-way, but in no event less than 50 feet from the edge of the right-of-way. This shall be known as the "setback line."

18-3-2. Structures shall be located landward, 100 feet or more measured in the horizontal plane from mean high water of tidal shores, 100 feet from the edge of tidal wetlands, 100 feet from the edge of nontidal wetlands which are connected by surface flow and contiguous to tidal wetlands or tributary streams, and 50 feet from the edge of isolated, nontidal wetlands. This shall be known as the "waterside buffer" and shall be a vegetated buffer with land disturbances regulated by the erosion and sediment control plan.

18-3-3. Side. The minimum side yard for each main structure shall be 25 feet and total width of the two required side yards shall be 50 feet or more. The minimum side yard for accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure.

(Ord. of 7-29-93; Ord. of 6-5-97(1); Ord. of 7-27-00)

## **18-4. Lot dimension regulations.**

18-4-1. The minimum lot width shall be 180 feet at the setback line.

18-4-2. The minimum water frontage for lots, measured in a straight line from the intersection of the side property lines with the mean low water line, shall average 200 feet but in no event be less than 180 feet.

**18-5. Existing lots.**

Existing lot size, width and setbacks are exempt from this article for those lots recorded before May 11, 1988. The waterside buffer for lots recorded on, or after, May 11, 1988, but prior to this amendment [May 31, 1990], is 75 feet and [such setbacks] are exempt from these [this] article.

## ARTICLE 9. INDUSTRIAL, LIMITED, DISTRICT M-1

### Statement of Intent

The primary purpose of this district is to permit certain industries which only to a limited extent detract from residential desirability to locate in any adjacent area . The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

### 9-1. Use regulations.

In industrial district M-1 any structure to be erected or land to be used shall be for one or more of the following uses:

9-1-1. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts such as coils, condensers, transformers, and crystal holders.

9-1-2. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, or battery manufacture.

9-1-3. Blacksmith shop, welding or machine shop. 9-1-

4. Laboratories, pharmaceutical and/or medical.

9-1-5. Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and seafood products.

9-1-6. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals, or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.

9-1-7. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

9-1-8. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.

9-1-9. Building material sales yards, plumbing supplies.

9-1-10. Coal and wood yards, lumberyards, feed and seed stores.

9-1-11. Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.

9-1-12. Cabinet, furniture and upholstery shops.

9-1-13. Boat building and repair.

9-1-14. Commercial marina, including boat and accessory sales, boat storage, engine and boat repairs, with a special exception. (Ord. of 11-20-95)

9-1-15. Monumental stone works.

9-1-16. Veterinary or dog or cat hospital and/or kennels, with a special exception.

9-1-17. Truck terminals.

9-1-18. Airports and airstrips, with a special exception. 9-1-

19. Wholesale businesses, storage warehouses.

9-1-20. Offstreet parking as defined.

9-1-21. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewer lines.

9-1-22. Petroleum storage, with a special exception. 9-

1-23. Finfish and shellfish processing, **with a special exception**

9-1-24. Junkyard, with a special exception.

9-1-25. Post office, with a special exception.

9-1-26. Major recreational equipment in accordance with article 19 of this ordinance.

9-1-27. County-sanctioned public facility.

9-1-28. Sandblasting and metal repair shop.

9-1-29. Yacht club. (Ord. of 2-25-93)

9-1-30. Disposal of dredge spoil, with a special exception. (Ord. of 12-13-92; Ord. of 2-25-93; Ord. of 1-25-96(1))

**9-1-31 Sand and gravel pit. With special exemption**

**9-1-32 Sawmills**

**9-1-33 Wood chipping facility**

9-2-1. Before a building permit shall be issued or construction commenced on any permitted use in the district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes and information as required by Article 22 Site Plans, shall be submitted to the zoning administrator. The administrator shall refer completed plans to the planning commission for recommendation to the board of supervisors if the proposed activity requires a building permit and which involves a land area disturbance greater than 2,500 square feet. The planning commission shall make recommendations to the board of supervisors within 30 days after the plans are determined to be complete. The board of supervisors shall make its recommendations within 30 days of the planning commission decision. If formal notice in writing is given to the applicant, the time for action may be extended for a 30-day period. Failure to act on the application within the established time limit shall be deemed to constitute approval of the application. Modification of the plans may be required by the administrator based upon the recommendations by the board of supervisors.

9-2-2. Sufficient area shall be provided (a) to adequately screen permitted uses and storage materials from adjacent business and residential districts, (b) for off-street parking of vehicles incidental to the industry, its employees and clients, (c) to plant necessary vegetative buffers and other types of landscaping that enhances aesthetic appeal of the structure, and (d) for adequate density of development. (Ord. of 10-24-96(1))

### **9-3. Setback regulations.**

Buildings shall be located 100 feet or more from the centerline of any street or road right-of-way, but in no event less than 75 feet from the edge of the right-of-way. This shall be known as the "setback line." Signs advertising sale or rent of premises may be erected up to the property line.

### **9-4. Area regulations.**

**Minimum required area for a M1 district is 25 acres.** For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. Conditional septic disposal system permits which limit the use of the subject property to a specific portion of the year are hereby strictly prohibited. (Ord. Of 8-94)

### **9-5. Frontage and yard regulations.**

For permitted uses the minimum side and rear yards adjoining or adjacent to a residential district shall be 100 feet. The minimum side and rear yards abutting all other districts shall be 25 feet. **All such buffer areas must be properly landscaped.** Offstreet parking shall be in accordance with the provisions contained herein.

### **9-6. Height regulations.**

Buildings may be erected up to a height of 35 feet. For buildings over 35 feet in height, approval shall be obtained from the administrator, and the board of supervisors. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the roof rests.

### **9-7. Coverage regulations.**

Buildings, or groups of buildings, with their accessory buildings may cover up to 60 percent of the area of the lot.

(Ord. of 7-25-91)

### **9-8. Sign regulations.**

Sign regulations shall conform to article 11 of this ordinance.

## RESIDENTIAL PLANNED UNIT DEVELOPMENT.

### Statement of Intent

To provide for variety and flexibility in land use necessary to accommodate people with desire for less property to care for this residential planned unit development (RPUD) zoning ordinance is designed.

#### **9A-1. Submission Requirements and Process Description**

- a. The following provisions shall apply to the establishment and regulation of all RPUD developments.
- b. Application for an RPUD development shall be submitted to the Director of Planning and Land Use, Lancaster County. *Notification of receipt of an application shall be made in the next edition of a local publication and adjoining property owners shall be individually notified; review of and comment on the application by adjoining property owners and/or interested members of the public is invited.* Initial discussions of the proposed PUD will be scheduled within thirty days of submission provided all required materials are submitted at the time of the application. Applicants will be notified of deficiencies in materials within fifteen days of submission. Material submitted with the application shall include all plans, maps, studies and reports that may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary review, referrals, and records. More specifically all of the following shall be required:
  - 1) A review by the Lancaster County Historic Resources Commission for archeological or historic site impact if any.
  - 2) A traffic impact study;
  - 3) A stormwater management plan;
  - 4) A determination by the Virginia Department of Game and Inland Fisheries of the location of bald eagle nesting sites, if any;
  - 5) An economic impact assessment;
  - 6) A school impact assessment;
  - 7) A report of all property owners in the proposed PUD, giving evidence of unified control and purpose of its entire area;
  - 8) A wetlands identification study and protection plan if applicable;
  - 9) A utilities requirement and implementation plan (sewage treatment vice septic as well as centralized or community water shall be required);
  - 10) A phasing schedule that will identify when required amenities such as recreation and green space areas, streets, parking lots, and community facilities will be dedicated. The phasing schedule shall include the timing of all improvements proposed and consider the trend of future development within Lancaster County;
  - 11) Existing topography accurately shown with a maximum of five-foot contour intervals at a scale of not less than 200 feet to the inch (Planning Director may require other interval and/or scale when topographic or other considerations warrant such deviation);
  - 12) Floodplain limits as defined on Federal Emergency Management Agency Flood Insurance Rate Maps;



- 13) Connection to existing and proposed state roads shall be ensured;
  - 14) Bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the Board of Supervisors shall be provided to ensure completion of proposed development according to approved plans, as well *as* continuing operation and maintenance of such areas, facilities and functions as are not to be operated or maintained at general public expense; and
  - 15) Dedications, contributions or guarantees as are required for provision of needed public facilities or services;
- e. An applicant for a planned unit development shall dedicate to the appropriate public agency or community group recreation areas, green space areas, and sites for necessary public facilities or services.
- f. Applicants are required to meet with the planning staff and other qualified officials to review the proposed plan prior to submittal. The purpose of such pre-application conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with the regulations of this article and/or other regulations applying in the case. It is also intended to define specific variations from application of regulations that seem justified in view of equivalent service of public purpose of such regulations.
- g. In the course of pre-application conferences, any recommendations for changes shall be recorded in writing and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposed changes. Applicants shall indicate in writing their agreement to such recommendations, or their disagreement and their reasons therefore. Response by applicants shall also be included in the record.
- h. At such time as further conferences appear unnecessary, or at any time on request of the applicant, the staff shall proceed to prepare its recommendations to the Planning Commission and Board of Supervisors. The date of the Planning Commission's determination to proceed, or of the applicant's request for preparation of recommendations, shall be deemed the formal date of the application. Specifically, recommendations to the Planning Commission and the Board of Supervisors shall include findings as to:
- 1) The suitability of the tract for the general type of proposed planned unit development in terms of relation to the comprehensive plan, physical characteristics of the land, and its relation to surrounding areas;
  - 2) Relation to major roads, utilities, public facilities and services;
  - 3) Adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees or other instruments, or the need for such instrument or for amendments on those proposed; and
  - 4) Specific modifications as applied to the particular case, based on determination that such modifications are necessary.
- i. From this point the case will be handled as any other rezoning request with the exception that a detailed developed plan must be presented no later than at the first public hearing. If any major changes to the plan are requested after the hearing, a new hearing must be called.

- a. The (RPUD) is intended to encourage sensitivity toward the natural characteristics of the site and toward impact on the surrounding area in land development. More specifically, the RPUD is intended to encourage an improved level of amenities, innovative and creative design on parcels of land under single ownership or control, and protection of the natural beauty of the landscape by providing the greatest amount of open space with the least disturbance to natural features.
- b. Rezoning to RPUD can be accepted in areas zoned as A-1, Agricultural, A-2 Agricultural and R-1, Residential.
- c. The minimum area required for the establishment of a RPUD outside the Waterfront Overlay District is xx acres. The maximum area is xx acres. No RPUD can be established within the waterfront overlay (W-1)
- d. Within a RPUD 80% of the area must be kept as open space.
- e. Except for setbacks as required on the perimeter of the district, there shall be no minimum lot size nor minimum front, side or rear yard requirements for any lot within a RPUD. Setbacks from right-of-way, side and rear yards that are proposed in any RPUD shall be shown on the development plan and shall be binding upon its approval.
- f. A natural or landscaped setback of at least fifty feet shall be maintained between any residential structures and the right-of-way of existing roads that abut the site. No minimum setbacks shall be required from roadways that are internal to the development.
  - (1) A natural landscaped set back of at least fifty feet shall be maintained from all project boundaries.
- g. Height of buildings shall not exceed three stories or thirtyfive feet and will be consistent with development in the general area.
- h. Open space shall be perpetually operated and maintained through provisions of a conservation easement.
- i. Central water and sewage treatment/mass *drainfield* systems shall be constructed or hookups otherwise identified for all dwelling units within the planned residential unit development,
- j. All utilities, including telephone and electrical systems, shall be placed underground within the limits of the planned residential development. Appurtenances to these systems such as transformers that can be effectively screened may be exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed development.
- k. Adequate off-street parking as set forth in Article 13-6.
- l. Streets may be private or intended for incorporation into the secondary road system. If applicant intends streets to be accepted into the secondary road system, then they must be constructed to VDOT standards. Private streets must have a minimum of 18' of hard surface, must have a stormwater management plan prepared by a licensed engineer, and must provide adequate turnaround for emergency vehicles and school buses.
- m. The following uses are permitted within the RPUD:
  - (1) Detached single-family dwellings;
  - (2) Semidetached and attached single-family dwellings such as duplexes, townhouses, atrium houses and patio houses (houses, while detached, linked by a common patio, or patio area separated by a privacy fence);
  - (4) Golf courses, community centers and noncommercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries, etc;

- (5) Major recreational equipment in accordance with Article 19 of this ordinance;
  - (6) Electric, gas, oil and communication facilities, excluding multi-legged tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility as well as water and sewerage distribution/collection lines, pumping stations, and appurtenances;
  - (7) Public uses and facilities such as schools, offices, parks, playgrounds;
  - (8) Accessory use structures including home occupations as defined elsewhere and noncommercial storage buildings;
- n. The maximum unit density within a PRUD is 3 units per acre. Such density limitation relate specifically to the developable area only and not to the total area in the development.
  - o. Open space is not to be further developed except that it may contain mass drainfields, hiking trails, tennis courts and play grounds.