

DRAFT AMENDMENT

Growth Management Strategies

The purpose of these amendments is to help manage residential growth in a way that supports the County's Comprehensive Plan. The changes are intended to encourage more development in designated growth areas, where roads, utilities, schools, and other public services can be provided more efficiently, while helping protect the rural character, farms, forests, open spaces, and natural resources in other parts of the County. The amendments also establish clearer standards for lot size, road frontage, setbacks, access, subdivisions, and family divisions, and encourage planned unit developments to include a mix of housing, businesses, open space, infrastructure improvements, and other community benefits.

ARTICLE I. - GENERAL PROVISIONS

DIVISION 2. – DEFINITIONS

Sec. 86-13. - Definitions.

Development right. As used throughout this chapter, development rights (also referred to as division rights) as they apply to the agricultural zoning districts, shall mean the following:

- 1. Agricultural (A-1 and A-1 GAOD) - A maximum of two (2) lots/parcels and one (1) residue parcel, shall be permitted on parent parcels in existence as of December 18, 1997; subject to all zoning and subdivision regulations contained within this chapter.**
- 2. Agricultural (A-2 and A-2 GAOD) - A maximum of seven (7) lots/parcels, shall be permitted on parent parcels in existence as of December 18, 1997; subject to all zoning and subdivision regulations contained within this chapter.**

~~*Division, parcel.* To divide a parent parcel into no more than two additional parts for the purpose of transfer of ownership or building development. Lots shall be divided from parent tracts, or the residue parcel that remains after a prior one lot division, so long as such residue parcel has five or more acres or a minimum of 300 feet of existing state road frontage. For clarity, it is the specific intent of this provision to allow a maximum of three total lots, including the residual parcel, to be created from any parent parcel by division, if any. Divisions are not subject to the provisions set forth in the subdivision ordinance except for subsection 86-567(11), private lanes. However, similar to the requirements of section 86-587, a lot created by division shall be required to include provisions for the dedication of right of way when the property is adjacent~~

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~~to a state road that is less than 50 feet in width; provided that, this requirement does not apply to a residual portion of the parent tract that is five or more acres or has a minimum of 300 feet of existing state road frontage.~~

***Division, parcel.* To divide a parent parcel into no more than two (2) additional parts for the purpose of transfer of ownership or building development. Divisions are not subject to the provisions set forth in the subdivision ordinance, except for applicable access and frontage requirements. Lots created by division shall front on a public street and shall not rely on private lanes for access.**

Family subdivision. Pursuant to Code of Virginia, §§ 15.2-2244(C), **15.2-2244.1** and 15.2-2244.2, means splitting any tract, parcel or lot of land, within the agricultural (A-1), agricultural (A-2), residential limited (R-1), or residential general (R-2) zoning districts, into two or more parts for the purpose of sale or gift to a member of the immediate family of the property owner or the beneficiary of a trust that owns the property, subject to the requirements of [section 86-531](#) of this Code. See "immediate family" definition.

Private lane. An access way for residential use serving less than three lots which is within a 50-foot deeded right-of-way or easement and built to the design standards in subsection 86-567(11). Private lanes are restricted as to the hours of access by the public or by those who may use it and are maintained by the property owner's association or by the lot or parcel owners who are afforded access to their lots or parcels by such private lanes. **Private lanes shall not be permitted to serve any new lot created by subdivision, division, or other land division, except as otherwise expressly allowed by this chapter.**

~~*Subdivision.* Splitting any tract, parcel or lot of land into two or more parts, other than a division of a parent parcel or a family subdivision, for the purpose of transfer of ownership or building development. Consistent with this definition, any new road constructed to serve more than two lots shall be constructed to VDOT standards for subdivision roads. The residue tract after subdividing is not counted as a lot for the purposes of this definition. Subdivided parcels may not be further subdivided or divided unless the remaining division rights are noted on a recorded plat or in conformance with existing ordinances.~~

Subdivision. The division of a parcel of land into three (3) or more lots or parcels, whether by deed, plat, lease, or other means, for the purpose of sale, transfer, or development. Except as expressly provided herein, all divisions of land shall be treated as subdivisions and shall be subject to the subdivision requirements of this chapter.

The following divisions shall not be considered subdivisions, provided that all applicable criteria are met:

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- 1. Family subdivisions, as defined and regulated by this chapter; and**
- 2. Estate divisions made in connection with the settlement of an estate or court order.**

Any land division that does not fully qualify for one of the above exceptions shall be deemed a subdivision

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ARTICLE II. - ZONING ORDINANCE AND MAPS

DIVISION 4. - ADDITIONAL REQUIREMENTS

Sec. 86-115. - Setback regulations for buildings and structures—Generally.

The setback regulations in all zoning districts shall be as follows, except where otherwise provided in individual district regulations.

- (a) Interstate 64: 60 feet from the edge of the right-of-way line.
- (b) U.S. Route 15 and all primary highways: 100 feet from the edge of the right-of-way line (includes Routes 22, 208, 250, 33, 522). All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
- (c) Reserved.
- (d) Secondary roads: 60 feet from the edge of the right-of-way line. All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
- (e) Agricultural or residential subdivision streets: 40 feet from the edge of the right-of-way line. All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
- (f) Commercial or industrial subdivision streets: 40 feet from the edge of the right-of-way line. All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
- (g) Access easements of ten to 50 feet serving family divisions: Ten feet from the edge of the right-of-way line.
- (h) Access easements serving common areas, utility lots or other non-subdivision related parcels: Ten feet from the edge of the right-of-way line.

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Sec. 86-117. - Setbacks; yard areas.

(c) Setbacks, public utility infrastructure, specifically associated ancillary structures existing or proposed to be built, on property located along public highways in the county shall be exempt from the front yard setback regulations of sections 86-115 and 86-116.

This section is applicable, as follows:

- (1) to ancillary or accessory structures only that are necessary along a public utility line(s)/easement(s) for maintenance, including, but not limited to wastewater pump stations, water booster and pressure reducing pump stations, back-up generators, backflow preventors, well houses;**
- (2) does not apply to primary structures associated with a public utility, including, but not limited to water towers, water and wastewater treatment plants; and**
- (3) to County owned and operated utilities only.**

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DIVISION 5. - GROWTH AREA OVERLAY STANDARDS

Sec. 86-122A. - Purpose, intent and exceptions.

The growth area overlay zoning districts are hereby created to provide additional architectural and site requirements for development and redevelopment ~~in the mixed-use and industrial land use areas as identified in the 2040 Comprehensive Plan. s' future land use map adopted September 3, 2019.~~ Exceptions include the majority of the Ferncliff growth area showing industrial uses and the Louisa growth area showing mixed use and industrial uses. However, parcels 67-30-12, 67-16-1, 67-30-B, 67-30-A, 67-30-16, 67-30-15, 67-30-14, 67-30-13, 67-30-11, 67-30-10, 67-30-9, 67-30-8, 67-30-7, 67-30-6, 67-30-5, 67-30-5A, 67-30-4, 67-30-3, 67-30-2 and 67-30-1 shall remain designated in the Ferncliff Growth Area Overlay District. The additional requirements in these areas will ensure the development or redevelopment that occurs meets the expectations of the citizens of Louisa County by:

- (1) Ensuring adequate buffering, screening and landscaping to help reduce the visual impacts of development;
- (2) Promoting architectural standards that will improve the quality and appearance of development and redevelopment; and
- (3) Encouraging well-planned development that employs consistent site design themes and practices and that provides quality development.

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DIVISION 6. - ZONING DISTRICTS AND LAND USES

Sec. 86-137. - Minimum lot area.(A-1)

(a) The minimum lot area in the agricultural (A-1) district shall be not less than ~~4.5~~ **15** acres, or larger as required by the health department for the provision of adequate on-site water and septic systems, as defined by this Code, **except for the following:**

- 1. Lots created for public purposes, including but not limited to public rights-of-way or public utilities; or**
- 2. Lots created through bona fide family or estate divisions that comply with all applicable requirements of this chapter, shall be a minimum of 1.5 acres.**

~~(b) For family divisions, as defined in [section 86-13](#) of this Code, the minimum lot area in the agricultural (A-1) district shall be 1.5 acres.~~

Sec. 86-138. - Setback regulations.

The setback regulations in the agricultural (A-1) district shall be-as provided in [section 86-115](#), **with the exception of the following:**

(a) **U.S. Route 15 and all primary highways: 250 feet from the edge of the right-of- way line (includes Routes 22, 208, 250, 33, 522). All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.**

(b) **Secondary roads: 250 feet from the edge of the right-of-way line. All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.**

Sec. 86-139. - Frontage; minimum lot width (A-1)

~~Only two lots with a~~ **The minimum road frontage shall be of 200 450 feet of road frontage shall be allowed** on existing state roads or federal highways per parent parcel. ~~Otherwise, the minimum lot frontage on existing state roads or federal highways shall be 300 feet.~~

The minimum lot width in the agricultural (A-1) district shall be ~~200~~ **300** feet at the building setback line. In no case shall the lot width be less than ~~20~~ **30** percent of the depth of the lot at its widest point.

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Sec. 86-155. - Minimum lot area.(A-2)

(a) The minimum lot area in the agricultural (A-2) district shall be not less than ~~4.5~~ **15** acres, or larger as required by the health department for the provision of adequate onsite water and septic systems, as defined by this Code, **except for the following:**

- 1. Lots created for public purposes, including but not limited to public rights-of-way or public utilities; or**
- 2. Lots created through bona fide family or estate divisions that comply with all applicable requirements of this chapter, shall be a minimum of 1.5 acres.**

~~(b) For family divisions, as defined in [section 86-13](#) of this Code, the minimum lot area in the agricultural (A-2) district shall be 1.5 acres.~~

Sec. 86-156. - Setback regulations.

The setback regulations in the agricultural (A-2) district shall be-as provided in [section 86-115](#), **with the exception of the following:**

(a) **U.S. Route 15 and all primary highways: 250 feet from the edge of the right-of- way line (includes Routes 22, 208, 250, 33, 522). All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.**

(b) **Secondary roads: 250 feet from the edge of the right-of-way line. All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.**

Sec. 86-157. - Frontage; minimum lot width. (A-2)

~~Only two lots with~~ **A** minimum of ~~200~~ **450** feet of road frontage shall be allowed on existing state roads or federal highways per parent parcel. Otherwise, the minimum lot frontage on existing state roads or federal highways shall be ~~300~~ **550** feet. The minimum lot width and road frontage on public or private internal roads, ~~or streets or lanes~~ shall be ~~150~~ **250** feet except for culs-de-sac where the minimum lot frontage shall be ~~25~~ **50** feet. For new subdivisions, the minimum lot width and road frontage shall be 300 feet along the newly created internal subdivision street on corner lots adjacent to the existing state road.

In no case shall the lot width be less than ~~20-30~~ percent of the depth of the lot at its widest point.

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Sec. 86-161. - Subdivisions. (A-2)

To preserve and maintain agricultural and forestry activities; protect ground and surface water supplies; and conserve natural, historic and scenic resources, subdivisions in the agricultural (A-2) district shall comply with the regulations herein.

(1) *Restrictions on road extension.* No road may be extended to a second parent parcel with the primary purpose of providing access for a subdivision; with the exception that a road may be extended when the total number of proposed lots for all parent parcels does not exceed seven plus any density bonuses that may apply as provided for herein.

(2) *Lot density.* Lot density shall be limited, except where specifically stated otherwise herein, to a maximum of seven lots per parent parcel.

a. ~~*Density bonuses.* The zoning administrator may allow up to three additional lots for a subdivision, for a total of up to ten lots, in the following circumstances:~~

1. ~~*Affordable housing.* A density bonus of three additional lots for a subdivision when at least three lots are dedicated for affordable housing.~~

Sec. 86-172. - Minimum lot area. (R-1)

In the residential limited district (R-1), the minimum lot areas for residences shall be ~~1.5~~ **2.5** acres. Public health approval is required for individual water or sewerage disposal, **except for the following:**

- 1. Lots created for public purposes, including but not limited to public rights-of-way or public utilities; or**
- 2. Lots created through bona fide family or estate divisions that comply with all applicable requirements of this chapter, shall be a minimum of 1.5 acres.**

Sec. 86-196. - Minimum lot area. (R-2)

(a) For residential lots containing or intended to contain a single-family dwelling or two-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be ~~1.5~~ **2.5** acres for each dwelling unit. Health department approval shall be required for proposed lots, **except for the following:**

- 1. Lots created for public purposes, including but not limited to public rights-of-way or**

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2. **public utilities; or**
3. **Lots created through bona fide family or estate divisions that comply with all applicable requirements of this chapter, shall be a minimum of 1.5 acres.**

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

(c) Any property rezoned, including adjoining R-2 property shown in the rezoning application as intended to be developed with the rezoned property, to R-2 between February 2019 and February 2021 shall be able to subdivide and develop the property with a minimum lot area of 40,000 square feet.

Sec. 86-310. - Character of development. (PUD)

The goal of a planned unit development district is to encourage a development form and character that is different from conventional suburban development by providing the following characteristics:

- (1) Pedestrian orientation;
- (2) Neighborhood friendly streets and paths;
- (3) Interconnected streets and transportation networks;
- (4) Parks and open space as amenities;
- (5) Neighborhood centers;
- (6) Buildings and spaces of appropriate scale;
- (7) Relegated parking;
- (8) Mixture of **non-residential** uses and use types;
- (9) Mixture of housing types and affordability;
- (10) Environmentally sensitive design; and
- (11) Clear boundaries with any surrounding rural areas.

An application is not necessarily required to possess every characteristic of the planned unit development district as delineated above to receive approval. The size of the proposed district, its integration with surrounding districts, or other similar factors may prevent the application from possessing every characteristic. **It is expected that each Planned Unit Development master plan will contain a mixture of non-residential uses available to the public, in addition to a mixture of housing types.**

Sec. 86-313. - Mixture of uses.

A variety of housing types and non-residential uses are ~~strongly encouraged~~ **required as part of the Planned Unit Development**. The mixture of uses shall be based upon the uses recommended in the comprehensive plan. This mixture may be obtained with different uses in different buildings or a mixture of uses within the same building.

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Sec. 86-316. - Densities. (PUD)

The gross and net residential densities shall be shown on the approved final master plan by area and for the development as a whole in dwelling units per acre and shall be binding upon its approval. The overall gross density so approved shall be determined by the board of supervisors with reference to the comprehensive plan but shall not exceed ~~ten~~ **four (4)** dwelling units per acre, unless the density is increased with the provisions of [section 86-315\(2\)](#).

Non-residential density should be expressed in terms of total square footage by area and for the development as a whole. There is no maximum square footage for non-residential uses but the proposed uses should be in proportion to the overall intent and functionality of the planned district concept.

Section 86-322 ~~Reserved~~ Density requirements. (PUD)

1. **The base residential density shall be four (4) dwelling units per acre.**
2. **Additional density above the base density may be earned through community benefits established by ordinance, including:**
 - a. **Workforce or affordable housing**
 - b. **Infrastructure improvements**
 - c. **Open space preservation**
 - d. **Other public benefits identified by the County**

Section 86-323 ~~Reserved~~ Commercial development requirements. (PUD)

All Planned Unit Developments (PUDs) shall include commercial development as part of the overall project design.

1. **A minimum commercial floor area requirement of 1,500 square feet shall be required for the first 10 dwelling units.**
2. **An additional 150 square feet of commercial floor area for each additional dwelling unit.**
3. **Commercial uses should be designed to provide:**
 - a. **Neighborhood-serving retail**
 - b. **Restaurants and personal services**
 - c. **Professional and medical offices**
 - d. **Employment opportunities**
 - e. **Other community-serving commercial uses**

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Section 86-323 ~~Reserved~~ Commercial phasing requirements. (PUD)

- 1. Site plans for all required commercial buildings must be submitted and approved prior to issuance of the first residential Certificate of Occupancy.**
- 2. Residential occupancy shall be limited until commercial development is delivered, unless otherwise established in an executed performance agreement with the County:**
 - a. No more than 50% of approved residential Certificates of Occupancy may be issued until the required commercial building(s) have received a final inspection or Certificate of Occupancy.**
 - b. Additional residential Certificates of Occupancy may be withheld if commercial development milestones established through conditions, proffers, development or performance agreements, or approved master plans are not achieved.**

Sec. 86-341 - Setback regulations.

The setback regulations in the agricultural (A-1) district within the growth area overlay district shall be as provided in [section 86-115](#) ~~115~~ **116**.

Sec. 86-366. - Subdivisions. (A-2 GAOD)

To preserve and maintain agricultural and forestry activities; protect ground and surface water supplies; and conserve natural, historic and scenic resources, subdivisions in the agricultural (A-2) district shall comply with the regulations herein.

(1) Restrictions on road extension. No road may be extended to a second parent parcel with the primary purpose of providing access for a subdivision; with the exception that a road may be extended when the total number of proposed lots for all parent parcels does not exceed seven plus any density bonuses that may apply as provided for herein.

(2) Lot density. Lot density shall be limited, except where specifically stated otherwise herein, to a maximum of seven lots per parent parcel.

~~a. *Density bonuses.* The zoning administrator may allow up to three additional lots for a subdivision, for a total of up to ten lots, in the following circumstances:~~

~~1. *Affordable housing.* A density bonus of three additional lots for a subdivision when at least three lots are dedicated for affordable housing.~~

(3) All divisions, subdivisions, and/or family subdivisions are subject to the applicable provisions of the agricultural (A-2) zoning district and article III subdivision of this Code.

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ARTICLE III. - SUBDIVISION

DIVISION 1. - GENERAL PROVISIONS

Sec. 86-531. Same – For family subdivision

(a) A family subdivision shall be permitted only where the parent parcel has been owned by the applicant for a continuous period of five (5) years prior to submission of a family subdivision application. A family subdivision shall meet all provisions of this chapter related to zoning, health requirements; but shall be exempt from other provisions of this chapter, provided it meets the following requirements:

(4) Each such division shall remain in the name of the qualified family member for a minimum of ~~five (5) years~~ ten (10) years from the date of recordation, unless the lot is the subject of an involuntary transfer such as foreclosure, death, divorce, judicial sale, condemnation or bankruptcy. **If a parcel has remained under the exact same deeded ownership for a period of ten (10) or more years, the retention period is reduced to five (5) years from the date of recordation.**

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Sec. 86-567 Streets and alleys.

(11) Private lanes.

~~Private lanes. Lots accessed by roads in subdivisions of less than three lots can be accessed by private lanes which do not meet VDOT subdivision street standards and are approved by the agent. Lots in subdivisions of less than three lots must have the minimum frontage requirements on a deeded access way or easement which is owned by the property owners association or developer or by the lot or parcel owners who are afforded access to their lots or parcels by such private lanes of such subdivision. A maximum of two separate private lanes shall be permitted in a subdivision. All plats describing lots served by private lanes shall include language found in subsections 86-587(10) g.1 — 3. Subdivision roads serving less than three lots shall be approved by the zoning administrator and shall meet the following minimum standards:~~

(11) Private lanes.

Private lanes, where permitted, shall be designed, constructed, and maintained in accordance with the standards set forth in this section.

Private lanes shall not be designed and installed as a means of access for any lot after the (effective date of this ordinance).

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