DRAFT AMENDMENT

For the purposes of this document, all new text is shown in **bold**. The bold text has varying colors based on the origination of the drafted language, as follows:

- **Staff produced items during the review and drafting period over the past 4-5 months to complement the proposed growth management amendments**
- **Growth Management and Rural Preservation Workgroup (WG) Consensus**
- **Board WG Recommendation**
- **Planning Commission WG Recommendation**
- **Staff produced items in response to specific requests for clarification of language and inclusion of additional language to support and complement the proposed growth management amendments**

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 the protection of the rural character, farms, forests, open spaces, and natural resources. The amendments also establish clearer standards for lot size, road frontage, setbacks, access, subdivisions, family divisions, and private lane development.

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 five (5) 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 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 have frontage on a public street.**

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**(s)** or the beneficiar~~y~~**ies** of a trust that owns the property, subject to the requirements of section 86-531 of this Code. See "immediate family" definition.

Immediate family. Any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunts, uncles, nieces and nephews or parent of the owner**(s)**, **of a parcel**, of whole or half blood, or by adoption or legal guardianship. **In the case of multiple owners of a parcel, a person shall not be deemed to be "immediate family of the property owner(s)" unless the person bears an "immediate family" relationship with all owners of the parcel, excepting additional owners being spouses of immediate family members.**

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. Only one (1) private lane may be permitted per parent parcel.**

~~*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:

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

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.

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 ~~1.5~~ **10** 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.**
3. **Residue parcels resulting from a bona fide family or estate division shall be a minimum of 1.5 acres.**
4. **Refer to Section 86-531(c) for additional provisions.**

~~(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: 100 / 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: 100 / 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~~ **350 / 400** 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.

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

(a) The minimum lot area in the agricultural (A-2) district shall be not less than ~~1.5~~ **5 / 10** 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.**
3. **Residue parcels resulting from a bona fide family or estate division shall be a minimum of 1.5 acres.**
4. **Refer to Section 86-531(c) for additional provisions.**

~~(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: 100 / 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: 100 / 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~~ **350 / 400** 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~~ **350 / 400** 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 **a** cul~~s~~-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.

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~~ **five.** ~~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~~ **five** 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. 86-341 - 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~~ **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~~ **five.** ~~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~~ **five** 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 GAOD) zoning district and article III subdivision of this Code.

Section 86-494 ~~Reserved~~ **Transfer of Development Rights**

Pursuant to Virginia Code Article 7.1, Transfer of Development Rights (Va. Code §§ 15.2-2316.1 15.2-2316.2), a transfer of development rights ("TDR") program is being considered for implementation. The purpose of a TDR program is to provide landowners with a mechanism where owners may transfer development rights from sending areas to receiving areas through a voluntary process intended to permanently conserve agricultural and forestal lands, reduce development pressures on those lands, and shift development to areas of the county designated by the Comprehensive Plan as appropriate for growth. A TDR program is intended to complement and supplement the county's land use regulations, land preservation efforts, and other resource protection efforts with the goal of maintaining the rural nature of Louisa County and better accommodating growth with less impact on public services and natural resources. As of (XXXX date) a Transfer of Development Rights Program has not been adopted. The County will continue to evaluate and work towards successful implementation, through the required review and public hearing processes.

DIVISION 7. AGRICULTURAL AND FORESTAL DISTRICTS

Sec. 86-500. - Development of parcels to more intensive uses.

(b) For the purposes of this section, the term "more intensive use" includes any use which is not permitted by right in an agricultural (A-1 or A-2) zoning district; any division of land other than a family subdivision, as defined in this chapter; and the rental of more than one dwelling unit on any parcel, other than dwelling units occupied by members of the immediate family of ~~any~~ **all** of the owners of such parcel or by persons who earn a substantial portion of their livelihood from a farm or forestry operation on such property, together with their respective families, if any.

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.

~~(5) Similar to the requirements of section 86-587, any lot created by family subdivision shall be required to include provisions for the dedication of right-of-way when the property is adjacent 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 and has a minimum of 400 feet of existing state road frontage.~~

~~(6)~~**(5)** For the purpose of this subsection, a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, nephew or parent of the **property** owner**(s)**. **In the case of multiple owners of a parcel, a person shall not be deemed to be "immediate family of the property owner(s)" unless the person bears an "immediate family" relationship with all owners of the parcel, excepting additional owners being spouses of immediate family members.**

~~(7)~~**(6)** Such sale or gift may be made to include the immediate family member as defined in paragraph (6) above and the immediate family member's spouse but not the immediate family member's spouse alone.

~~(8)~~**(7)** Lots created by family subdivision would not count against the total number of lots allowed outside of a family division.

(b) Procedure for family subdivision of property held in trusts. Property held by a trust may be divided as a family subdivision provided it meets the following requirements:

(5) The subdivision shall comply with the requirements of subsections (a) (1), (2), (3), (6), **and** (7)~~, and (8)~~.

(c) Effective (XXXXX date), the following provisions shall be applicable to residue parcels resulting from a bona fide family or estate division:

(1) Minimum of 1.5 acres;

(2) 200 feet of existing state road frontage; or frontage on a new or existing right-of-way or easement meeting the minimum width requirements for a family or estate division;

(3) Setbacks as provided in Sections 86-115 and 86-116;

(4) Residue parcels shall be exempt from the revised lot width to depth ratio requirements and other increased dimensional standards effective (XXXXX date); and

(5) The above provisions/exceptions do not create additional development rights, based on zoning.

Sec. 86-567 Streets and alleys.

(11) Private lanes.

Private lanes. Lots accessed by roads in divisions or 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~~ **Private lanes** serving less than three lots shall be approved by the ~~zoning administrator~~ **County Agent or designee.** ~~and shall meet the following minimum standards:~~

Private lanes, where permitted, shall be designed, constructed, and maintained in accordance with the standards set forth in this section (86-567).

~~Road~~ **Private Lane** Minimum Standards

~~Number of Lots Served by Road~~	~~Width of Travel way~~	~~Depth of Base~~	~~Surface Treatment~~	~~Sight Distance (Lot to Private Lane)~~
~~2 lots~~	~~14 feet with 3-foot shoulder~~	~~6 inches of #25 or 26 stone~~	~~Not required~~	~~100 feet~~

TEXT LEGEND

Bolded Text = To Be Added Regular Text = To Remain ~~Strikethrough Text~~ = To Be Removed

Private Lane Connection Point to State Maintained Road	**All private lanes must connect to an existing state-maintained road. A private lane may not be accessed from an existing private road, street or lane.**
Number of Lots Served by Private Lane	**Maximum of two (2) lots, with both lots accessing the private lane**
Width of Travel way	**14 feet wide with 3-foot shoulders *Ditches may be required when and where determined necessary during the pre-construction meeting***
Depth of Base and Travel Surface	**Six (6) inches of any combination of #57 and #21A stone as determined applicable to the site conditions during the pre-construction meeting. #3 stone may be used as a base, when necessary.**
Surface Treatment	**Not Required**
Minimum Length of Private Lane	**50 feet from edge of state road right-of-way to the beginning of the required cul-de-sac**
Minimum Cul-De-Sac Right-of-Way (ROW) Radius	**35-foot right-of-way radius**
Land Disturbance	**The design and construction of private lanes that involve land disturbance of 10,000 square feet or more, shall comply with the provisions of chapter 38, article II, of this Code.**