



Land Use

Goals, Strategies and Actions

Goals:

1. Achieve a pattern of land use and development that reinforces and improves the quality of life for citizens and assists in achieving the goals of the Comprehensive Plan in Population Needs, Economic Development, Environment, Housing, Public Facilities, Transportation, Parks and Recreation, and Community Character.

Strategies and Actions:

1.1 Promote the use of land in a manner harmonious with other land uses and the environment.

- 1.1.1 Craft regulations and policies ~~in a manner that ensures~~ *such that* development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.
- 1.1.2 Consider the following during updates to the Zoning Ordinance:
 - a. Amending the Zoning Ordinance ~~to ensure~~ *such* that allowed densities within residential zoning districts are consistent with densities recommended by the Comprehensive Plan.
 - b. Amending the Zoning Ordinance ~~to ensure~~ *such* that allowed intensities within commercial zoning districts are consistent with intensities recommended by the Comprehensive Plan.
 - c. Amending the Zoning Ordinance to clarify that density for a Continuing Care Retirement Community should be calculated based on the independent living units, with the assisted living rooms and/or skilled nursing beds excluded from this calculation.
- 1.1.3 Use policy and ordinance tools to ensure the provision of open space. In particular, maintain or increase incentives for cluster development *in exchange for* ~~by permitting appropriate residential densities in exchange for~~ additional open space that provides significant benefits to the community.
- 1.1.4 Require that any development of new public streets, public parks or other public areas, public buildings or public structures, public utility facilities, or public service corporation facilities, inside or outside the Primary Service Area, be

subject to individualized review as provided under §15.2-2232, *Legal Status of Plan*, of the *Code of Virginia*, as amended.

1.1.5 ~~Monitor land use development trends to ensure~~ **Facilitate** continued diversification of the local economy and ~~to ensure~~ **maintain** an adequate balance between residential and non-residential development.

1.1.6 Provide updates ~~to~~ **on** State legislation to the Planning Commission through the Planning Director on an as-needed basis should legislative decisions change or joint subcommittee reports be finalized on the major new planning legislation topics (as described in the Land Use Section Technical Report) during non-Comprehensive Plan update years.

1.2 Promote pedestrian, bicycle, and automotive linkages between adjacent land uses where practical.

1.2.1 Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities, and to effectively connect buildings and activities within individual sites.

1.2.2 Facilitate the provision of public road interconnections within new developments and between arterial and collector roads by promoting land use and road patterns within the developments which are conducive to such interconnections.

1.3 Promote cooperation among all neighboring localities to ensure compatibility of land use planning activities.

1.3.1 Promote regional solutions to managing growth through the following actions:

- a. Support efforts to bolster the urban cores of the Hampton Roads area, particularly the Peninsula.
- b. Engage in joint planning efforts and allocate resources toward implementation.
- c. Encourage redevelopment, compact communities, and mass transit throughout the region.
- d. Guide growth on a regional level toward those areas with existing infrastructure and capacity.

1.3.2 Communicate with neighboring jurisdictions regarding development plans that have potential impacts on neighboring localities and public facilities. Work with them to coordinate plans and to identify and mitigate areas where there are conflicts.

1.3.3 Participate in regional planning processes with York County and the City of Williamsburg.

1.4 Direct growth into designated growth areas in an efficient and low-impact manner.

- 1.4.1 Enforce policies of the Comprehensive Plan *to steer growth to* ~~ensure all land uses are located at~~ appropriate sites in the Primary Service Area.
- 1.4.2 Provide for low density and moderate density residential development in appropriate locations inside the Primary Service Area (PSA) and prohibit such development on rural lands outside the PSA.
- 1.4.3 Study and reaffirm the PSA boundary and policies through the following actions:
 - a. Monitor the development potential of the PSA and the rural lands.
 - b. Examine the PSA boundary and policies in the greater context of the County's resources and the region's overall development potential.
 - c. *Evaluate the PSA boundary in the context of the County's natural boundary features and environmental resources, including, but not limited to, wetlands and watershed boundaries.*
 - d. Revise the Zoning Ordinance to provide more linkages to the PSA policies in specific zoning districts.
- 1.4.4 Restrict the extension of water and sewer utilities, and the formation of new central sewer systems in areas outside the PSA. Extend water and sewer service in the Primary Service Area according to a phased plan in accordance with the County's Comprehensive Plan and master water/sewer planning.
- 1.4.5 Promote infill, redevelopment, revitalization, and rehabilitation within the PSA. Consider the following strategies as appropriate:
 - a. Use of financial tools such as public-private partnerships or tax increment financing.
 - b. Revisions to the zoning and/or subdivision ordinances or development of guidelines to provide additional flexibility, clear standards, or incentives such as expedited plan review.
 - c. Revisions to the zoning ordinance to create a form based code or code overlay that could apply to specific areas, such as Toano.
 - d. Partnering with government agencies, non-profits and private entities to facilitate areas identified for redevelopment.
- 1.4.6 Encourage developments which provide true mixed use development, as further defined in the Mixed Use Land Use Designation and Development Standards, within the Primary Service Area. Support design flexibility to promote mixing of various types of residential and non-residential uses and structures.
- 1.4.7 Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the Primary Service Area by:
 - 1.4.7.1 Encouraging multiple uses within office parks in the PSA to assure employees convenient access to shopping, services, and open space.

- 1.4.7.2 Accomplishing rezonings for commercial and light industrial uses with sites of five acres or more under a binding master plan.
- 1.4.7.3 Through the development process, reinforcing clear and logical boundaries for commercial and industrial property within the PSA by:
- a. Providing sufficient buffering and open space from nearby residential uses; and
 - b. Developing in a node pattern with a grid of internal parcels, internal streets, and judicious external connections rather than in a strip pattern with individual connections along a single street.
- 1.4.7.4 Emphasizing the economic potential of interstate interchanges, especially industrial potential, by encouraging mixed use development and promoting industry and offices as the primary uses for interstate interchange land. Maintain land use policies and other measures to achieve this strategy.

1.5 Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County's ability to provide such facilities and services.

- 1.5.1 Through the following measures, ~~ensure that the~~ *coordinate* allowable densities and intensities of proposed developments ~~do not exceed~~ *with* the capacities and availability of water, public roads, schools, and other facilities and services.
- a. Investigate development of a model or models to assess and track the cumulative impact of development proposals and development on existing and planned public facilities and services.
 - b. Support State enabling legislation for adequate public facilities ordinances to extend the policies to already zoned lands, *if in a form acceptable to the Board of Supervisors.*
 - c. Permit higher densities and more intensive development in accordance with the Land Use Map where such facilities and services are adequately provided.
- 1.5.2 Expect developments subject to *zoning or special use permit* review to mitigate their impacts through the following means:
- 1.5.2.1 Require sufficient documentation to determine the impacts of a proposed development including, but not limited to, studies of traffic impact, capacity of public schools, historic and archaeological resources, water quality and quantity, other environmental considerations, and fiscal impact. Develop clear guidelines for the content and methodology to be used to develop the traffic impact (to include upcoming developments on adjacent corridors), fiscal impact (to focus on “as developed” revenues versus costs), and environmental inventory documents.
- 1.5.2.2 Require that the recommendations of such studies be adequately

addressed prior to preparation of development plans, or in instances where a rezoning or special use permit is required, as part of those applications. Methods of addressing such impacts include road improvements, cash and other proffers, building and site design, facility construction and dedication, conservation easements, and other measures.

- 1.5.2.3 Consider developing clear guidelines for proffers *and/or fees* tied to the full mitigation of impacts of a development and applying these guidelines in the review of new development proposals. *In developing the guidelines, calculate the total County costs of the facility or service.*
- a. Consider developing proffer guidelines for Fire/EMS, general government, libraries, and transportation.
 - b. Continue to provide proffer guidelines for schools, parks and recreation, and water/sewer.
 - c. Consider developing additional guidance on the interaction between the Adequate Public Schools Facilities Test and the Cash Proffer Policy for Schools.

1.6 Enhance and preserve the agricultural and forestal economy and character of Rural Lands and the predominantly wooded, natural, and small-town character of the County.

1.6.1 Promote the economic viability of farming and forestry as industries through measures including, but not limited to, the following.

1.6.1.1 Support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the Code of Virginia.

1.6.1.2 Fund existing programs, investigate new programs, and support private or non-profit (such as land trust) actions that promote continued agricultural or forestal use of property.

- a) Encourage dedication of conservation easements to allow property owners to take advantage of state and federal tax provisions. Consider developing a program that would provide information to property owners on the benefits of easement donation.
- b) Support funding for the Purchase of Development Rights (PDR) program.
- c) Investigate the feasibility of developing a Lease of Development Rights (LDR) program.
- d) Monitor the status of Transfer of Development Rights programs in Virginia, and consider exploring the feasibility of a Transfer of Development Rights program for the County. Any exploration should include an investigation of the issues outlined in the Renaissance Planning Group memo dated February 13, 2009.

1.6.1.3 Consider amending the zoning ordinance after re-evaluating the list of permitted and specially permitted uses in Rural Lands. Investigate adding a development standards policy for those uses that might benefit from a rural location. Specifically look

at non-residential uses that may be appropriate, such as agri-business, eco-tourism or green energy uses.

1.6.1.4 Support investments in or continued maintenance of appropriate infrastructure to support agri-business, eco-tourism or green energy uses such as trails or bike lanes indicated on the Greenways Plan, boat launches, or signage to complement private sector actions.

1.6.1.5 Should adequate staff and financial resources be available, consider creation of a program that would provide public relations and marketing efforts on behalf of the local agricultural industry to complement private sector actions. In particular, such a program could make efforts to link local producers to larger scale food buyers in the local community such as the WJCC school system, hospitals, institutions such as the College of William and Mary or Colonial Williamsburg, and local restaurants.

1.6.1.6 Protect farming and forestry uses from conflicting activities by encouraging buffers and open space design for developments.

1.6.1.7 Craft regulations and policies in a manner that recognizes the value of, and promotes the conservation of, prime farmland soils and environmentally sensitive areas.

1.6.2 Any residential development that occurs outside the Primary Service Area should be in a pattern that preserves farm and forestal lands. Amend the subdivision ordinance, zoning ordinance, utility regulations, and related policies to promote such an overall pattern. Consider providing more than one option, such as the following, so long as an overall very low density pattern can be achieved.

1.6.2.1 Consider revising the R-8 and A-1 zoning districts to set lot sizes for conventional subdivisions at a very low density pattern, starting with consideration of a minimum lot size of 20-25 acres to allow continued agricultural or forestal use of land in addition to, or instead of, a homesite. As part of this amendment, consider easing the subdivision requirements such as waiving the central well requirement, allowing private streets in limited circumstances, etc.

1.6.2.2 Consider revising the rural cluster provisions in the A-1 zoning district to be more consistent with the rural lands description and development standards. The density for the rural cluster should be lower than what the current A-1 ordinance base density allows but should be higher than the density established for the very low density conventional subdivision option outlined in 1.6.2.1. As part of this amendment, consider easing the subdivision requirements such as waiving the central well requirement, allowing private streets in limited circumstances, making it a streamlined by-right use at certain scales, etc. Should dedication of conservation easements be a requirement of cluster development, considering including provisions allowing land in easements to continue in agricultural or forestal production.

1.6.2.4 Revise ordinances and regulations pertaining to central wells to set criteria for acceptance of central water systems, and set fees so that the charge to the developer covers the James City Service Authority (JCSA) operation cost.

1.6.2.5 Revise the zoning and subdivision ordinances to place appropriate restrictions, such as a minimum number of years of property ownership, on family subdivisions. Such restrictions would be intended to further the strategy of preserving agricultural and forestal uses in the Rural Lands, and are already enabled by the Code of Virginia.

1.7 Work to ensure compatibility of codes, ordinances and regulations with the tenets of Sustainability.

1.7.1 Conduct a sustainability audit of Planning Division codes, ordinances and regulations prior to conducting comprehensive updates.