

**Assessing the Capacity of the Amherst
County Comprehensive Plan and the
Amherst County Zoning Ordinance to
Successfully Guide Change**

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PURPOSE AND SCOPE OF POLICY REVIEW

This report serves a three-fold purpose. First, it contains a summary review of the current Amherst County comprehensive plan. Second, it features a review of the county's zoning ordinance. Third, and most importantly, the report provides a series of recommendations Amherst County's elected and appointed officials can use to more fully integrate the goals, objectives and strategies listed in the county's comprehensive plan with the regulatory measures and policies noted in the Amherst County zoning ordinance.

PLANNING COMMISSION AND BOARD OF SUPERVISORS INPUT

It is important to note that this report was not written in isolation. The Amherst County Planning Commission provided valuable insight and perspective during a July 2008 work session. In addition, a survey instrument was sent to each member of the county planning commission as well as each member of the county Board of Supervisors. The survey sought input relative to the strengths and weaknesses of the county's zoning ordinance and insight as to whether the zoning ordinance, as currently written, possesses the capacity to implement land use policies featured in the county's comprehensive plan.

The survey produced mixed results. On the one hand, respondents identified several zoning ordinance strengths including the watershed and floodplain districts; the sign regulations; breadth of permitted uses; and, the special exception process. The list of zoning ordinance weaknesses centered on overly permissive development standards; the lack of a cluster development option; the lack of standards designed to preserve land; lax buffer and transition standards; and, weak standards governing home occupations. The strongest critique however, was reserved for the zoning ordinance's perceived capacity to achieve the land use goals and objectives contained in the Amherst County Comprehensive Plan. Not a single respondent answered this question in the affirmative.

THE COMPREHENSIVE PLAN IN VIRGINIA

The Code of Virginia mandates that all local governments across the state must have a local comprehensive plan. The code also mandates the appointment of a local planning commission which is subsequently charged with the responsibility of preparing and recommending a comprehensive plan to the local governing body. The state code, in turn, requires each local governing body to adopt a comprehensive plan. The steps a planning commission and local

governing body must follow when developing, or updating, a local comprehensive plan are delineated in the state code.

The current Amherst County comprehensive plan was adopted by the Board of Supervisors on June 21, 2007. The decision to adopt the plan bought to a close a three and one half year plan development process that featured a land use consultant retained by the county to provide the necessary technical assistance associated with the design and development of the county comprehensive plan. The plan development process, for a variety of reasons, took longer than anticipated. It is important to remember that the 2007 plan replaced a fifteen page document generously described as a comprehensive plan. Having to literally develop the comprehensive plan from scratch is one reason the process took longer to complete than originally anticipated.

THE AMHERST COUNTY COMPREHENSIVE PLAN

The Amherst County comprehensive plan features six chapters spread over 129 pages. For the purpose of this report, each chapter will be summarized separately and, where appropriate, specific observations will be made.

Chapter I – Introduction. This two page chapter delineates the plan’s purpose as “a guide for critical land use decisions that will determine growth and development within the county.” The chapter also states the plan was developed in “accordance with the values and aspirations of Amherst County citizens.” A 20-year planning horizon, a template commonly used by localities across Virginia, was selected for the plan.

Chapter II – Process. This chapter describes the extensive community participation effort used to update the county’s comprehensive plan. The chapter chronicles the appointment of a 25-member Citizens Advisory Committee (CAC) to assist with the update process. It is also noted that seven subject specific task forces were appointed and convened. The subject specific task forces, which featured a mix of CAC members and interested county citizens, developed the goals, objectives and strategies featured in the county comprehensive plan.

Chapter III – Development and Growth Trends. This chapter reviews key socio-economic indicators central to any community planning process. Data inputs focusing on the county’s population, employment patterns, income and housing stock are presented and discussed. A key finding noted in the chapter is the recommendation that Amherst County develop a level of service (LOS) policy to assist in managing community change, as well as establish a county

cash proffer policy to help mitigate community impacts generated by future development. Development and growth variables of potential consequence cited in chapter three include the following:

- Amherst County is growing at a faster rate than the state of Virginia.
- The county's 65 and over age cohort is growing faster than the 15-45 age cohort.
- Poverty in Amherst County is growing at a faster rate than the county's population.
- Single-family dwellings account for 80 percent of all housing units in Amherst County.

Chapter IV – Community Facilities. This chapter provides extensive commentary covering a wide range of community services, facilities and programs. The chapter introduction states goals, objectives and strategies will be presented for eight specific services areas and facilities. In reality, narrative covering 13 service areas and facilities are featured. This, in turn, gives rise to 37 separate community facility and service goals, 76 objectives and 252 specific strategies. Missing from the chapter, however, is any reference to who will be responsible for implementing the multiple goals, objectives and strategies. This shortcoming needs to be addressed if the county intends to implement its comprehensive plan in a predictable and coherent fashion.

On a positive note, the Community Facilities chapter contains significant statements clearly suggesting that Amherst County intends to manage future growth in a responsible manner. Specific indices producing this conclusion include the following:

- Public water and wastewater services should be used as a growth management tool.
- Growth boundaries should be designated and public waste and wastewater services should not be extended beyond the established growth boundary.
- A system of cash proffers should be adopted to ensure future development pays their share of costs associated with delivering needed community services and programs.
- An impressive list of actions designed to strengthen the county's regulatory policies are recommended.

Chapter V – Anticipated Growth Trends. This chapter is well organized and does a good job helping the reader understand the dynamics that will likely fuel future growth in Amherst County. The chapter also captures the values

expressed by the Citizens Advisory Committee (CAC) and county citizens with respect to the fundamental guidelines or standards the county should witness regarding future growth. The standards found in Chapter 5 include the following:

- Land presentation and environmental protection ought to be the plan's cornerstone.
- Regulatory policies need to be enacted to protect county watersheds, viewsheds, streams and steep slopes.
- Lot size and permitted density, as currently allowed, is too permissive in the county's rural areas.
- Public facilities and infrastructure should compliment intended land use.
- Development should be directed to areas where roads, water, sewer, schools and transportation services are readily available.

Chapter VI – Land Use.

This chapter does a great job establishing a planning framework the county can rely upon when making land use decisions. The future land use section provides a narrative description of the land use categories desired in the Amherst County of tomorrow. The land use strategies are also reflected on the future land use map.

The chapter also features an excellent overview of specific tools and regulatory techniques Amherst County can use to protect its natural environment. This is consistent with the previously noted desire to protect the county's mix of natural attributes and to retain the county's rural character.

With respect to the land use categories, the conservation/floodplain designation, the limited agriculture designation and general agriculture designation serve as significant commitments which will help sustain the county's rural character as well as rural heritage.

Finally, the land use goals, objectives and strategies listed at the end of Chapter 6 should be viewed as the comprehensive plan's seminal statement relative to managing and guiding future growth in Amherst County.

COMPREHENSIVE PLAN SUMMARY

The 2007 Amherst County Comprehensive Plan provides the reader with a clear message relative to the kind of future the county hopes to experience. Chapters 5 and 6, as described above, reflect the values as well as hopes, dreams and

aspirations held and expressed by county citizens during the plan preparation process. In sum, the Amherst County Comprehensive Plan is premised on the following key points:

- Accommodate future population growth in a planned manner.
- Promote the preservation and use of open space and encourage viable agricultural and forest land uses to protect the county's natural beauty, rural character, wildlife habitats and water resources.
- Minimize the negative environmental impacts of new and existing residential commercial and industrial development.
- Protect and enhance the county's air and water quality.
- Protect the county's scenic viewsheds.
- Adopt a county level of service (LOS) policy.
- Adopt a cash proffers policy.
- Land preservation and environmental protection drive the comprehensive plan.
- Watersheds, viewsheds, streams and steep slopes need to be protected.
- Lot size and permitted development density is overly permissive in the county's rural areas.
- Public facilities and infrastructure should compliment intended land use.
- Development should be directed to areas where roads, water, sewer, schools and transportation services are readily available or can be provided.

COMPREHENSIVE PLAN GENERAL RECOMMENDATIONS

The Amherst County comprehensive plan is well organized and easy to read. The comprehensive plan would, however, benefit from a modest tweak and restructuring. Specific suggestions Amherst County should consider include the following:

- Develop a comprehensive plan Executive Summary.
- Organize and structure the plan's goals, objectives and strategies in a separate plan element.
- Prioritize the strategies featured in the comprehensive plan.
- Develop a new plan chapter focused on Implementation. Commit to a multi-year strategy (5 years) that can be tracked.
- Develop a set of "Big Picture" goals, objectives and strategies that cut across functional areas and will serve to focus the county's attention on "must do" activities.
- Develop a new plan chapter focusing on natural resources and land carrying capacity.

- Develop a series of land maps indicating existing protected areas, primary conservation areas, secondary conservation areas, and areas suitable for development.
- Embellish the Land Use chapter by adding narrative focused on interplay among design, resource conservation and the subdivision development process.
- Embellish the Land Use chapter by adding narrative focused on village centers and the methodology the county will use to determine their placement, design and function.
- Add narrative to the Land Use chapter indicating the county plan will be reviewed annually by the Amherst County Planning Commission to determine its continued relevance as a guide for land use decision making.
- Add narrative stating the county planning commission will prepare, as mandated by the state code, an annual report commenting on the status of planning in Amherst County and will share the report with the Board of Supervisors as well as the public.

THE PLANNING AND ZONING CONNECTION

In a more perfect world, a comprehensive plan would be developed first and the zoning ordinance second. This sequence is recommended because the comprehensive plan functions as a guide for managing and deciding matters involving land use. The comprehensive plan, although required by statute, does not regulate what occurs or happens on a parcel of land. The instrument that controls actual land use in a community is the zoning ordinance. As such, it is essential that a zoning ordinance feature the correct mix of use districts and development standards that will enable a locality to implement the goals, objectives and strategies featured in the comprehensive plan.

In some states, the zoning ordinance must be drawn to match the plan. In some states, the law requires that the comprehensive plan be implemented. In Virginia there is no state mandate requiring localities to implement local plans. Nor is there a legal requirement that the zoning ordinance be written to reflect each feature discussed in the plan. However, the Virginia Code does mandate that the comprehensive plan be referenced when developing or applying a zoning ordinance. In addition, and possibly of greater importance, the Virginia Supreme Court has opined that a community's zoning ordinance is null and void if there is no comprehensive plan upon which the ordinance was drawn. Relatedly, the court has stated a locality that chooses not to follow its

comprehensive plan and is subsequently challenged in court, must explain to the court's satisfaction why the adopted plan was not followed.

This short narrative is presented as a reminder that effective planning is dependent on zoning and zoning is dependent on planning. Indeed, the justification, or rationale, for any zoning regulation should be found in the locality's comprehensive plan.

THE ZONING FUNCTION

The Amherst County landscape is constantly being shaped and reshaped by human settlement. From the earliest Monacan Indian villages to the present time, people have used the land to meet their needs. Regulations and rules guiding these practices have an equally long history. From the earliest decrees laid down by Kings to modern day planning and zoning codes, regulations have been used by communities to structure and guide humankind's activity with and upon land.

Zoning was officially introduced in America in 1916 with the passage of the New York City Zoning Ordinance. By 1926, 43 states, including Virginia, had enacted or sanctioned its use. A fundamental premise associated with zoning, which continues to this day, centered on the separation of incompatible uses.

ZONING IN VIRGINIA

The Code of Virginia (15.2-2280) grants to each county, city and town the authority to adopt a zoning ordinance. The Code also delineates the purpose of zoning (15.2-2283) as well as the criteria localities must consider (15.2-2284) when developing and applying a local zoning ordinance. Indeed, it can be argued that sections 15.2-2283 and 15.2-2284, as featured below, serve as the bedrock upon which a zoning ordinance must be constructed.

PURPOSE OF ZONING – 15.2-2283

1. To provide for adequate light, air, convenience of access and safety from fire, flood, crime, and other dangers.
2. To reduce or prevent congestion in the public streets.
3. To facilitate the creation of a convenient, attractive and harmonious community.
4. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools,, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.
5. To protect against destruction of or encroachment upon historic areas.
6. To protect against the overcrowding of land and undue density of population in relation to existing or available community facilities, obstruction of light, air, danger and congestion in travel and transportation, or loss of life from fire, flood, or panic.
7. To encourage economic development activities that provide desirable employment and enlarge the tax base.

8. To provide for the preservation of agricultural and forestal lands and other lands of significance to the natural environment.
9. To protect approach slopes and other safety areas of licensed airports, including US government and military air facilities.
10. To promote the creation and preservation of affordable housing to meet current and future needs of the locality.
11. Provide reasonable protection against encroachment upon military installations and their adjacent safety areas.

CRITERIA TO BE CONSIDERED IN DRAWING AND APPLYING ZONING ORDINANCES AND DISTRICTS

15.2-2284

1. The existing use and character of the property.
2. The comprehensive plan.
3. The suitability of the property for various uses.
4. Trends of growth or change.
5. Current and future land requirements as determined by population, economic and other studies.
6. Requirements for transportation, airports, housing, schools, parks, playgrounds, recreation areas, and other public services.
7. The conservation of natural resources.
8. The preservation of flood plains.
9. The preservation of agricultural and forestal lands.
10. The conservation of properties and their values; and
11. The encouragement of the most appropriate use of land throughout the county or municipality.

THE AMHERST COUNTY ZONING ORDINANCE

Amherst County adopted its first zoning ordinance in 1977. Over the next twenty-four years, the county periodically modified and amended the ordinance in response to changing community needs. In 2001, the Amherst County zoning ordinance was amended in its entirety. Accordingly, the zoning code adopted on May 2, 2001 is the ordinance of record for purposes of this report.

STRUCTURE AND ORDINANCE CONTENT

The structure and format witnessed in the Amherst County zoning ordinance is common to many counties throughout Virginia. In part, this can be viewed as a positive statement due to the commonality of land use challenges facing many

of Virginia's 95 counties. On the other hand, localities must guard against the adoption of boiler plate regulations that sound good in the main but do little to address the specific and unique challenges which, in the final analysis, distinguish and delineate one community from the next.

The Amherst County zoning ordinance features the following ten articles:

- Article I. Authority and Enactment
- Article II. Purpose of Regulations
- Article III. Definition of Terms
- Article IV. Application of Regulations
- Article V. Establishment of Zoning Districts
- Article VI. General Provisions
- Article VII. Use Requirements by Zoning Districts
- Article VIII. Other Requirements of Zoning Districts
- Article IX. Special Provisions
- Article X. Administration

While each section of a zoning code is important, it can be argued that the definition of terms section, the section addressing the establishment of zoning districts, and the section dealing with use requirements in the respective zoning districts serve as the core content of any zoning ordinance. This argument can be advanced because of the central role zoning plays in bringing to life the goals, objectives and strategies featured in a community's comprehensive plan. Thus, the ultimate value of any zoning ordinance lies in its ability to implement the policies featured in a comprehensive plan.

ASSESSING ARTICLES V AND VII

Article V lists the ten (10) districts featured in the Amherst County Zoning Ordinance, while Article VII discusses the intent or purpose served by each district and the uses that are permitted by-right or by special exception. Each district will be briefly reviewed and, where appropriate, observations will be made.

Sec. 701. Public Lands District P-1. The purpose of this district is to recognize lands owned or leased by a government entity in Amherst County.

Observation. This district serves a useful purpose; however, consideration should be given to restructuring the district. Specifically, federally owned or

leased land should be distinguished from land owned by the state or local government. In like fashion, land or uses owned by a local government are generally referred to as community facilities or public uses and are designated as such on the zoning map.

Sec. 702. Agricultural Residential District A-1. This district is designed to accommodate farming, forestry and limited residential use while discouraging the random scattering of residential, commercial or industrial uses. This is the only district wherein agriculture and forestry are permitted as by-right uses.

Observation. At first blush the district appears to possess the attributes needed to sustain agriculture and forestry uses in the county. However, the minimum residential development standard for this district is one unit per acre with a 100 foot minimum lot frontage requirement. Accordingly, agriculture and forestry uses, rather than being protected, are potentially subservient to residential uses. This imbalance flies in the face of the comprehensive plan's goal of preserving open space and sustaining agriculture and forestry as viable land uses.

Sec. 703. Limited Residential District. The intent of this district is to have relative low-density, single family residential areas plus certain open space areas where similar residential development appear likely to occur. The intent statement says development will be limited to single family dwellings plus certain low impact uses that serve the individual households throughout the district.

Observation. The limited residential district resonates as a reasonable use. The statement of intent, however, does not read particularly well.

Sec. 704. General Residential District. The intent of this district is to limit development to one, two, three and four-unit dwellings, plus certain low impact uses that serve the individual households and the neighborhood as a whole.

Observation. The R-2 district is a viable use category especially in the Madison Heights section of Amherst County. The R-2 intent statement would benefit from modest restructuring.

Sec. 705. R-3 Multi-Family Residential District. The intent statement for this district is to maximize the use of available public water and sewer and roads by allowing dense development.

Observation. The statement of intent should be reworked to reflect with greater clarity the county's policy with regard to multi-family development linked to community planning standards.

Sec. 706. Village Center District V-1. This district is designed to allow minimal concentrations of commercial activity and residential-type development within a large agricultural or residential area. The intent is to encourage cluster development of residential, commercial and public uses to discourage random scattering of these uses throughout agricultural and forestall areas. The retail activity is limited to neighborhood convenience sales and services and tourist-oriented specialties.

Observation. The concept underpinning the Village Center is sound but the execution, as witnessed above, is faulty. More work is needed to deliver on the promise of cluster development. In addition, the potential of village centers across a large portion of the county, as reflected on the Amherst County zoning map, does not correspond with the goal of targeting development. Minimum and maximum development standards should also be reviewed and possibly revised.

Sec. 707. General Commercial District B-2. This district covers those areas intended for the conduct of any retail business. Those with extended hours of operation and generating high volumes of traffic are permitted in this zone.

Observation. This statement of intent is woefully inadequate. Greater specificity is needed with respect to a wider range of business uses and their preferred location throughout Amherst County. The list of permitted uses is much too general and needs to be reconfigured in light of additional business district designations. Consideration should also be given to providing maximum lot coverage guidelines and height restrictions.

Sec. 708. Industrial District. M-1. The intent statement for this district is to allow production, wholesale, storage or the distribution of products.

Observation. This declaration of intent is also inadequate. Enhanced specificity is needed with regard to the range of industrial/manufacturing activities in, or likely to locate in, Amherst County. Consideration should also be given to providing a maximum lot coverage and height guidelines.

Sec. 709. Flood Hazard Overlay District FH. The statement of intent for the flood hazard overlay district is well articulated. The district is superimposed over the existing districts and the requirements of this district shall apply in

addition to the requirements of the use district within which a specific property is located. The flood plain areas within the county are divided into three districts with the boundaries to be shown on the county's official zoning map.

Observation. The Flood Hazard Overlay District is well written and complete. If this overlay is working well it should be sustained.

Sec. 710. Watershed District WS. The purpose of this district is to protect against and minimize the pollution of the public drinking water supply sources located in Amherst County. This district is to be superimposed over other existing districts. The watershed areas within the county are divided into two types of districts: Primary Water Supply Districts (PWS) and Secondary Water Supply Districts (SWS). The boundaries of these districts shall be shown on the official Watershed District Maps. Stream and reservoir setback requirements are included in this district designation.

Observation. The narrative and standards featured in the Watershed District are comprehensive and well-intentioned. Consideration, however, should be given to doubling the required stream and reservoir setback requirements. The existing parameters are rather minimal in scope.

Article IX. Special Provisions. This section of the Amherst County Zoning Ordinance contains statements of intent for 16 different land uses, specialized services and activities. The topics discussed in Article IX range from auto service stations to standards governing home occupations, shopping centers, and planned unit developments. In general, each subject or topic included in this section of the county zoning ordinance features a list of general and/or specialized requirements as well as permitted uses and information governing where the activity, land use, or service is permitted to locate in Amherst County.

Observation. The information discussed in Article IX is fundamentally sound. Nonetheless, consideration should be given to relocating some of the topics presented in the Article to another section of the zoning ordinance. For example, the standards and requirements noted in Section 909 for a shopping center will usually be found in the business and/or commercial section of most zoning ordinances. Automobile service stations and truck stops are usually included in the business or commercial district as well. In like fashion, standards and regulations applicable to multi-family developments and manufactured housing are usually addressed in the residential section of the zoning ordinance. Lastly, regulations governing parking, signs, screening, adult uses, home occupations, accessory family housing units, and site lighting requirements are usually featured in a separate article entitled "Supplementary Regulations."

ZONING ORDINANCE GENERAL RECOMMENDATIONS

The Amherst County Zoning Ordinance, if it is to effectively and efficiently regulate land use as well as help manage future growth and development, needs to be revised and rewritten. Specific suggestions the county's appointed and elected officials should consider include the following:

- Create additional districts for agricultural uses.
- Create additional residential districts.
- Create additional commercial and business districts.
- Create additional manufacturing districts.
- Create a cluster development district.
- Create a mixed use district.
- Develop a separate article for overlay districts.
- Develop overlay districts for historic properties (Old Madison Heights), Harris Creek, the Graham Creek Reservoir, the Rt. 29 Bypass (Rt. 29 and 130), ridgeline/mountain protection, and the area adjacent to the Town of Amherst.
- Update the definition of terms article.
- Develop standards for traditional neighborhood design.
- Add a cash proffer policy to the zoning ordinance.
- Incorporate form based code provisions in the revised ordinance.
- Add a level of service policy to the zoning ordinance.
- Incorporate a supplemental regulations section in the revised ordinance.
- Reorder the sequence of articles appearing in the revised ordinance.
- Include pictures and drawings in the revised ordinance.
- Merge Articles V and VII featured in the current zoning ordinance and create a new district regulations article with the following features:
 - Purpose of the district
 - Permitted uses
 - Permitted accessory uses
 - Conditional/special exceptions
 - Lot area regulations
 - Yard requirements
 - Height requirements
 - Utilities conceptual plan
 - Sign regulations
 - Off-street parking
 - Consider establishing a transfer of development rights program and a purchase of development rights program.

ASSESSING THE COMPREHENSIVE PLAN AND ZONING ORDINANCE CONNECTION

As noted in the initial section of this report, the Amherst County Comprehensive Plan features specific goals and parameters designed to guide community growth and change over the next 20 years. As can be expected, the articulated goals cover a wide range of issues germane to life in Amherst County. Nonetheless, it is plainly evident the comprehensive plan strongly recommends that future growth be managed in order to sustain the county's rural character, agricultural heritage and natural environment. This vision can be summarized in the following manner:

- Future growth needs to be planned and directed to where roads, schools, utilities and related service capabilities are available or planned.
- Agriculture and forestry practices need to remain viable.
- The county's rural character and rural heritage needs to be sustained.
- Lot size and permitted density in the rural areas of the county (A-1 District as the chief example) is too permissive.
- Regulatory policies designed to protect county viewsheds, watersheds, streams, steep slopes and ridgelines are needed.
- A level of service policy is needed in Amherst County.
- A cash proffer policy is needed in Amherst County.

The balance of this section of the report will describe how the county's zoning ordinance relates to the aforementioned summary vision. Recommendations for possible zoning ordinance changes are also included.

Vision 1: Future growth needs to be planned and directed to designed service areas.

The uses allowed in the different zoning districts in Amherst County are common to many rural counties across the Commonwealth. They do not, however, possess the capacity to direct growth to designated service areas. Thus, if Amherst County wishes to direct growth to certain areas of the county in relation to available or planned service capacity (schools, infrastructure, roads, fire and police services), the comprehensive plan and the county zoning ordinance will both need to be modified. With respect to the comprehensive plan, narrative needs to be added that establishes and maps where future growth and development will be strongly encouraged over the life of the plan. Next, a phasing or timing element needs to be established indicating when growth will be expected or anticipated again tied to available or planned service capability.

Using a 5 year timeline for each phase of development is logical due to the code mandate that comprehensive plans are to be reviewed at least once every 5 years.

Once the phased development policy has been established, the county's zoning ordinance will need to be modified. At a minimum, Amherst County will need to restructure its mix of residential zones to reflect the adopted phasing policy. It is also likely the county will want to develop and incorporate the following items in the zoning ordinance:

- A mixed use district/zone
- A cluster housing district zone
- A level of service (LOS) policy
- A cash proffer policy
- Differing residential densities tied to service available

Vision 2: Keeping agriculture and forestry viable.

Amherst County's professed desire to sustain and continue its agricultural heritage (and by extension its rural character) is arguably the centerpiece of the county's comprehensive plan. At present, the county's zoning ordinance features only one district wherein agriculture and forestry are permitted as by-right uses.

Unfortunately, the Agricultural Residential or A-1 district, as presently constituted, will do little to sustain agriculture and forestry practices commensurate with the Amherst County's adopted comprehensive plan. Accordingly, the A-1 district should be abandoned in favor of a new set of districts replete with a new minimum development standard. The suggestions appearing below should be reviewed by the county's appointed and elected leadership and a decision made as to whether any or all of the recommendations should be added to the county's zoning ordinance. The new districts Amherst County should consider adopting in the place of the A-1 District, along with suggested statements of intent, are as follows:

Agricultural District: A-10 or 20

Rural Conservation District: RC

Rural Residential District: RR

Resource Protection District: RP

Agricultural District (A-10) Purpose. The Agricultural District would cover those portions Amherst County most suitable for agriculture. It is designed primarily to protect farming while accommodating kindred rural occupations

and limited residential use. The district consists of areas lying outside of designated growth areas; those areas presently being used for agricultural purposes; and those areas where the soil and topographical characteristics are most favorable for farming. It intends, furthermore, to protect against overcrowding of land and to discourage undue density of population in relation to the larger purposes of the zone. The establishment of this district recognizes that residential growth should occur in an orderly, well-planned, and sensible way, that is not fundamentally injurious either to the current practices of farming, the future viability of agriculture in Amherst County, or the maintenance of a predominantly rural character and quality of life in this zone. Lot size requirement: 1 single family dwelling per 10 or 20 acres.

Rural Conservation District (RC) Purpose. The purpose of this district is to provide for low density, single-family residential development in the rural areas of the county. The classification features a residential district and a preservation district in which agriculture is a permitted use. The regulations are intended to provide assurances that open space will be preserved and maintained in conjunction with sufficient design flexibility to provide an incentive to develop cluster residential development with open space. Minimum area for the RC district shall be 20 or 25 contiguous acres. Maximum density shall be one residential unit per five acres with a minimum of 70% of the net acreage in the district designated as a conservation area.

Rural Residential District (RR) Purpose. The statement of intent for the current Limited Residential District R-1 is suitable for this recommended district. Minimum lot size requirement: one single-family dwelling per five acres.

Resource Protection District (RP) Purpose. This district covers those portions of Amherst County characterized by rugged terrain and ecologically sensitive areas unsuited for intensive forms of development. This district is designed for the specific purpose of conserving natural resources and ensuring that the county's best natural habitats, streams and scenic viewsheds will not be lost. This district also recognizes the economic benefits that unspoiled natural topography and the retention of rural character can generate. Accordingly, the uses permitted in the RP district will include those which are compatible with conserving water and timber; preventing soil erosion; protecting watersheds, viewscapes and wildlife habitats. The minimum lot area for permitted uses will be 25 acres.

Vision 3. Sustain the county's rural character and rural heritage.

As presently written, the Amherst County Zoning Ordinance does little to sustain the county's rural heritage or rural character. If the county adopts the revised agriculture district and related rural residential districts outlined with Vision 2, as well as other actions noted in this section, the county will be in a much stronger position to sustain its rural heritage and character. Suggestions actions are as follows:

- Develop and adopt a scenic/historic overlay district for selected road corridors.

An historic entrance corridor overlay would allow the county to establish design guidelines for new development and redevelopment along important corridors.

- Recast the Village Center District allowing denser development through clustering and mixed uses. Define specific locations in the county where the Village Center will be a permitted use.
- Research and consider adopting low impact development standards for the county.
- Research and consider adopting agricultural and forestal district standards featuring tax savings.
- Research and consider adopting a Purchase of Development Rights (PDR) program as well as a Transfer of Development Rights (TDR) program.
- Consider adopting a time release subdivision policy for the county.
- Determine the feasibility of establishing eco-tourism, agritourism, and heritage trails as rural economic generators.

Vision 4. Overly permissive lot size for development.

Actions outlined elsewhere in this summary, if implemented, will address this issue.

Vision 5. Protect the county's natural assets.

The flood hazard overlay district and the watershed district featured in the current zoning ordinance should be sustained. In addition, strong consideration should be given to adding a steep slope overlay and a mountain/ridgeline protection overlay provision to the zoning ordinance. Each action, along with the other recommendations already made, will substantially enhance Amherst County's ability to protect its beautiful mix of natural assets.

Vision 6. Adopt a level of service (LOS) policy.

A level of service (LOS) policy, if adopted, will provide Amherst County with greater latitude when reviewing and deciding rezoning cases involving land development. By establishing and adopting specific levels of service for key activities, such as the ability of roads to safely move goods and services, the availability of seating in school classrooms, available water and wastewater capacity, and acceptable response times for fire, police and other emergency services, Amherst County will be able to measure proposed rezonings of property opposite the adopted policies. If applicants fail to meet one or more of the adopted levels of service, the development proposals do not go forward until the deficiency is remedied either by the applicant and/or the county. This is an excellent tool to use if a community is interested in timing or phasing when growth will occur in relation to key infrastructure considerations.

Vision 7. Adopt a cash proffer policy.

Amherst County should give strong consideration to adopting a cash proffer policy. To accept cash proffers, which are designed to help pay the costs of providing facilities and roads to serve new development, Amherst County must have an adopted capital improvement program and the cash or in-kind contributions received must be used for capital projects and not operating expenses. Cash proffers have become commonplace throughout much of the Commonwealth. There are many excellent models Amherst County can review and consider before adopting a local policy.

Finally, narrative describing the cash proffer policy, as well as the level of service policy, should be placed in the county's comprehensive plan as well as the Amherst County Zoning Ordinance.

Next Steps to Consider

Amherst County rightly values its natural environment, its history and its agricultural heritage. It is clear the county wishes to improve the quality of life for its residents while ensuring that local services and programs are delivered efficiently and effectively. There are many actions Amherst County can take with its comprehensive plan and zoning ordinance to achieve these goals.

The number of revisions and actions outlined in this report appear daunting. Instead of panicking, view the suggestions as a menu of options and choose the actions that make sense now. Taking the time to prioritize issues and actions will allow Amherst County to move forward as a community.

