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County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT

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April 26, 2012

TO: Board of County Supervisors

FROM: Christopher M. Price, AICP
Director of Planning

THRU: Melissa S. Peacor
County Executive

RE: Open Space Planning Tools

I. Background is as follows:

- A. Board Directive – In Directive 11-120, Preserve Open Space – Rural Areas, Chairman Stewart requested that the Planning Office conduct research on appropriate planning tools to help in the preservation of open space in rural areas and to report its recommendations to the Board.
- B. Planning Office Research –
 - 1. Dillon Rule – The tools available to Prince William County are those specifically delegated to the County in State law.
 - 2. Virginia Chapter of the American Planning Association – The Virginia Chapter of the American Planning Association (APA-Virginia) publishes *Managing Growth and Development in Virginia: A Review of the Tools Available to Localities* which outlines the planning tools available to Virginia jurisdictions. A copy of the publication is provided as Attachment C.
- C. Review of Current Tools Used – Based on the APA Virginia publication and the County's current use of these tools the Planning Office presents a summary of the current tools used and additional tools that could be used to encourage preservation of open space in rural areas. See table below.

Rural Open Space Preservation Tool	Currently Used?	Effective Tool?	Possibility for Use or Enhancement?
Comprehensive Plan	Yes	Yes	Yes
Large Lot Zoning	Yes	Yes with other tools	Yes
Rural Cluster Development	Yes	Yes, but not used often	Yes
Overlay Districts	Yes	Yes, but limited	No
Conditional Zoning	Yes	Not currently available in Rural Area	Yes
Capital Improvement Program	Yes	Yes, but requires funding	Yes
Use Value Assessment	Yes	Yes, but not permanent	No
Agricultural and Forestal Districts	Yes	Yes, but not permanent	No
Transfer of Development Rights (TDR)	No	Yes, but dependent on a market for rights	Yes
Purchase of Development Rights (PDR)	No	Yes, but requires funding	Yes
Lease of Development Rights (LDR)	No	Yes, but not permanent	No
Donation of Conservation Easements	Yes	Yes	Yes
Conservation Design	Yes	Yes	Yes

D. Comprehensive Plan – A comprehensive plan is the most important part of any open space preservation effort. State law mandates that every local government in Virginia prepare and adopt a comprehensive plan (Virginia Code, § 15.2-2223). A locality's comprehensive plan may include items that can help guide open space preservation:

- Designated areas for various land uses including agricultural and conservation uses
- A system of community service facilities such as parks
- Historical areas
- Areas for the implementation of groundwater protection measures
- Areas for locating military bases, military installations, military airports and their adjacent safety areas

The Prince William County Comprehensive Plan currently recognizes the importance of open space in the rural area. Attachment B includes all references to rural open space preservation and protection and are summarized below.

1. Land Use Designation – The Plan designates four types of land uses with goals of protecting open space: P&OS, AE, ER and CRHS. Definitions of these are provided in Attachment A.
 2. Parks, Open Space and Trails Plan – The Parks, Open Space and Trails Plan sets a goal of 39% open space and identifies recreational, cultural and environmental corridors to target for open space preservation. Excerpts from the Plan that reflect rural open space preservation and protection are included in Attachment A.
 3. Environment Plan – The Environment Plan identifies characteristics of the land that should be targeted for open space preservation. Relevant policies are identified in Attachment A.
 4. Land Use Policies – The Plan contains several policies protecting open space including targeting the peak noise zone of MCB Quantico and the south fork of Quantico Creek watershed for preservation efforts. These policies are presented in Attachment A.
- E. Implementation Tools – State code (V.C., § 15.2-2224) identifies tools communities can use to implement their comprehensive plans including, Zoning (V.C., § 15.2-2280) and the Capital Improvement Program (V.C., § 15.2-2239). In addition, other tools for open space preservation are specifically outlined in State code including Use Value Assessment (V.C., § 58.1-3231 through § 58.1-3244), Agricultural and Forestal Districts (V.C., §§ 15.2-4300 et seq), Transfer of Development Rights (§ 15.2-2316.1 and 2316.2) and Conservation Easements including Purchase of Development Rights (§10.1-1009 et seq.).
- F. Zoning – According to the Virginia Code (§ 15.2-2280) any locality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof, into districts of such number, size and shape as deemed important to needs of the community and for the general purpose of promoting the health, safety or general welfare of the public.
1. Large-Lot Zoning – “The American Farmland Trust defines a ‘large lot’ for the purposes of agricultural protection as being 20 acres or more. Many localities consider smaller minimum lot sizes such as five or 10 acres as being a ‘large lot’ measure. However, if lots less than 10 acres are permitted without a clustering provision, there is a risk that such development will create undue encroachment on agricultural areas and undermine the purpose of the tool.

In the words of one farmer, less than 10 acres is ‘too small to plow and too big to mow’. Thus, large lot zoning provisions are often combined with cluster zoning provisions within a given zoning district.” (Managing Growth and Development in Virginia, APA Virginia Chapter, October 2011, p. 28) The primary zoning designation in the rural area is A-1, Agricultural, which has a minimum lot size of 10 acres. Within the A-1 zoning district, rural cluster developments are permitted. The A-1 zoning provisions (Zoning Ordinance §32-301) are included in Attachment B.

2. Cluster Subdivisions – “Under cluster subdivision/zoning provisions, when a residential subdivision is created, it is designed so that the dwelling units are clustered together on smaller than average lots on only a portion of the tract, leaving the remainder available for open space or similar uses. Depending on the provisions of the specific cluster ordinance, the remaining open space within a cluster development may be held in common and/or be strictly an agricultural or environmental area with no ‘development rights’ remaining on it; or, the open space parcel(s) may be allowed to have a dwelling unit with a permanent easement that prohibits further subdivision or additional dwellings.” (Managing Growth, p. 30) The County’s Rural Cluster Development provisions (Z.O. §300-40) are included in Attachment B.
 - a) Cluster Provisions Voluntary – “Cluster provisions can be voluntary options within a zoning district, or they can be mandatory. Per §15.2-2286.1, a rezoning, use permit or special exception may not be required in order to create a cluster development, unless there is a density increase involved in the request.” (Ibid., p. 30) The County cluster provisions are voluntary and require a subdivision plan review. There is no option for a density increase.
 - b) Advantages – “One of the key advantages of rural cluster techniques is that the tool can help to preserve rural land resources while still meeting the desires of rural landowners to obtain a relatively high development value for their property. Typically, rural cluster provisions allow roads and dwellings to be sited with less disruption to views from the public road right-of-way and/or with greater buffer distances between neighboring properties. Thus, cluster provisions can protect “rural character” as viewed from the road and in some localities also allow for some continued agricultural use of the remaining land.” (Ibid., p. 30)

- c) Limitations – “Clustering is a middle ground between full preservation and full development, and thus doesn’t completely “solve the problem” of preserving agriculture or rural character. While each individual cluster development may be an improvement over conventional subdivision of the same property, in the aggregate, it still may create a sprawling development pattern across the locality and region and contribute to rural road congestion and other infrastructure capacity deficiencies. Also, additional design effort is usually required to create a cluster subdivision compared to a conventional, large lot subdivision.” (Ibid., p. 33)
- d) Variations – Several variations are in use on how clustering is achieved.
 - (i) Percent of Land Developed – One variation on rural clustering is to specify a maximum percentage of the parent parcel or tract that can be converted to nonagricultural or non-open space uses. Such a provision can be relatively simple and may permit a great deal of flexibility to the developer in terms of lot size and unit type on that portion of the land that is permitted to be converted.
 - (ii) Lot Size Averaging – Another variation on rural clustering is to specify the average minimum lot size for a rural subdivision, but permit the developer to achieve that average by creating some lots that are larger and some smaller. Again, the advantage of this variant is to provide more design flexibility in order to respond to unique site conditions and to the local market demand.
 - (iii) Maximum Size of Building Lots – Another variation is to set a maximum rather than minimum lot size for rural subdivisions, thereby forcing a clustered layout. The percentage of open space remaining will be determined by the actual maximum lot size required in relation to the maximum overall site density required.
 - (iv) Current Method – Currently, the Rural Cluster Development provisions specify a minimum lot size of 3 acres, a maximum lot size of 5 acres, a maximum density of one unit per 10 acres and a minimum of 50% open space.

3. Overlay Districts - The purpose of the special public interest overlay districts is to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such overlay districts. Currently, the County maintains three overlay districts that would be relevant to rural open space preservation; however, their use is restricted to areas with special characteristics that warrant preservation.
 - a) Resource Protection Area - The purpose of the Chesapeake Bay Preservation Area Overlay District is to: (a) protect existing high quality state waters; (b) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (c) safeguard the clean waters of the Commonwealth from pollution; (d) prevent any increase in pollution; (e) reduce existing pollution, and (f) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Prince William County. This overlay district limits development on lands adjacent to water bodies with perennial flow. Authority for resource protection district zoning is provided in Virginia Code, § 10.1-2108.
 - b) Flood Hazard – Flood hazard areas of the County are subject to periodic inundation which results in the loss of life and/or property, health and safety hazards, disruption of commerce and other governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. As such, the Board has chosen to delineate this district in accordance with the areas of the County subject to inundation by the 100-year flood. This overlay district limits development on lands subject to periodic inundation. Authority for flood hazard district zoning is provide in Virginia Code, § 10.1-603.7.
 - c) Historic Districts – Historic overlay districts are created for the purpose of imposing special requirements in addition to the requirements pertaining to the underlying zoning in designated areas of the county, in order to protect and perpetuate those areas or structures which have been designated as being of significant historic, architectural or cultural interest. Regulations imposed in such districts are intended to protect against destruction of or encroachment upon such historic resources, to encourage uses which will continue to preserve them and to prevent the creation of adverse environmental influences.

This overlay district limits development on lands with significant historic, architectural or cultural interest. Authority for historic district zoning is provided in Virginia Code, § 15.2-2306.

4. Conditional Zoning – As designed, conditional zoning allows reasonable conditions, known as proffers, to be offered by the applicant during a rezoning process as a way of mitigating the impacts of the proposed rezoning. Proffers may include land, infrastructure, cash or other conditions/constraints on the use of the property. These proffers, if accepted by the governing body as part of the rezoning approval, become part of the zoning ordinance as it applies to that property (Virginia Code, § 15.2-2297). In theory, conditional zoning allows land to be rezoned that might not otherwise be rezoned because the proffers will protect the community or area affected by the rezoning. This tool, while very effective in protecting open space in the Development Area, does not help in the Rural Area where the highest density zoning district consistent with the Rural Area designation, A-1, is already mapped on land in the Rural Area.

G. Capital Improvement Program (CIP)

1. Park Land Acquisition – Acquisition of land for parks and recreation purposes provides protected open space (Virginia Code, § 15.2-5704).
2. Historic Preservation – Virginia Code, § 15.2-2306 – 4 allows any locality to acquire land for historical preservation. Acquisition of land for historic preservation purposes can often provide protected open space.

H. Other Tools

1. Use Value Assessment Program – Virginia Code, § 58.1-3231 through § 58.1-3244 allows any locality, which has adopted a land-use plan, to adopt an ordinance to provide for use value assessment and taxation in certain districts. The Use Value Assessment and Taxation Program provides tax relief to certain agricultural, forestal, horticultural, and open space property owners. The program allows qualifying land to be taxed according to its use value, rather than its market value. Buildings do not have use value assessments and are assessed at full market value. However, this program does not create permanently protected open space as the property owner may pull out of the program at any time. The County currently administers this program.

2. Agricultural and Forestal Districts - The Virginia Code provides for the voluntary creation of Agricultural and Forestal Districts (AFDs) in order to “provide a means for a mutual undertaking by landowners and localities to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance.” Virginia Code, §§ 15.2-4300 et seq. authorizes the adoption of Agricultural and Forestal Districts. However, this program does not create permanently protected open space as this is a voluntary program that must be re-evaluated every 4 to 10 years. The County currently maintains +/- 3,900 acres in three Agricultural and Forestal Districts.
3. Transfer of Development Rights – “TDR, or transfer of development rights (V.C., § 15.2-2316.1 and 2316.2), is a concept in which some or all of the rights to develop a parcel of land in one district (the sending district) can be transferred to a parcel of land in a different district (the receiving district). TDR is a tool used to preserve open space, farmland, water resources and other resources in areas where a locality wishes to limit or curtail development.” (Managing, p. 45)
 - a) TDR Mechanics – “In a classic TDR system one or more sending districts are identified as well as one or more receiving districts. “Development rights” are assigned to landowners in the sending district, typically on the basis of a certain number of permitted dwellings per acre. Owners of land in the sending district instead of developing at the full level of their development rights, may sell their development rights to owners of land in the receiving district, who may then use the newly acquired development rights to build at higher densities than normally allowed by existing zoning (without further legislative approval). TDR systems are intended to maintain designated land in open or non-developed uses and to compensate owners of the preserved land for the loss of their right to develop it (Ibid., p. 45).
 - b) Limitations – “TDR programs are technically complicated and will require a significant investment of time and local government resources to implement. Key questions for a locality include:
 - Which areas should be protected?
 - How should development rights be allocated?
 - To where should development be transferred and at what densities?
 - What mix of incentives should a locality use to encourage landowners to use TDR?

A major challenge associated with TDR involves predicting the likely supply of and demand for development rights in the real estate market. Indeed, the pace of transactions will depend on the private market for development rights.” (Ibid., p. 46)

4. Conservation Easements – Conservation easements are used in conjunction with many of the above preservation tools as well as being a main component of cluster developments and TDRs. “Conservation easements may be established through purchase, lease (short term), or through donation. In all of these easement programs, the easement is established through the voluntary cooperation or initiative of the landowner.” (Ibid., p. 65)
 - a) Definition – “A conservation easement (also known as an Open Space or Scenic Easement) is a legal agreement between a landowner and a land trust or government agency that limits the use of the land by recording deed restrictions that prohibit or severely restrict further development in order to protect the conservation value of the property, such as farmland, watersheds, wildlife habitat, forests, and/or historical lands. Each easement is unique in terms of acreage, description, use restrictions, and duration. These details are negotiated between the property owner granting the easement, and the organization that will be holding the easement.” (Ibid., p. 65)
 - b) Typical Provisions – “Conservation easements are typically established in perpetuity, but may be established for shorter periods. The easement allows a property owner to continue to own any underlying interest in the land that is not specifically limited by the easement, to use the land within the terms and restrictions of the easement, and to sell the land or pass it on to heirs (with the easement restrictions conveying with the land). Conservation easements do not permit public access unless specifically provided.” (Ibid., p. 65)
 - c) Authority – “Virginia Code, §§10.1-1009 et seq. allows any locality or land trust (defined in § 10.1-1700-5) to purchase or accept as a donation, and hold a conservation easement for periods of as little as five years, and for as long as perpetuity. In addition, § 10.1-1801.1, enacted in 1997, created a fund to assist landowners with the costs of preparing and conveying conservation easements. Virginia localities are authorized within their general powers (§15.2-1800) to acquire property to initiate a purchase of development rights program (PDR).” (Ibid., p. 66)

- d) Purchase of Development Rights (PDR) – “When conservation easements are purchased as part of a broad government program, it is typically called “Purchase of Development Rights” or PDR. In some other parts of the country it is also known as PACE or Purchase of Agricultural Conservation Easements. Purchasing “development rights” is the same as purchasing conservation easements or that portion of the “bundle of rights” that allows landowners to construct dwellings or non-farm commercial structures on the property. Thus, when a locality purchases a conservation easement from a landowner, it essentially “buys” the right to develop the land and “retires” that right by placing a permanent conservation easement on the property that restricts or prohibits further non-farm development. Typically, these easement restrictions run in perpetuity.” (Ibid., p. 65)
- e) Limitations of PDRs – “Purchase of Development Rights (PDR) programs require a dedicated source of stable revenues in order to be most effective. Most local governments simply do not have the funds required for such a program and counties are further restricted in that they cannot incur debt.” (Ibid., p. 68)
- f) Lease of Development Rights (LDR) – “Lease of Development Rights (LDR) is the same as Purchase of Development Rights except that the term of the easement can be as short as five years, under amendments to Virginia’s Open Space Land Act made in 1981. To date, no Virginia locality has enacted an LDR program, but the concept has the potential to be a good alternative to Use Value Assessment, because the locality can set the terms of eligibility, easement duration, restrictions, and compensation; whereas under the Use Value program, the state sets most of the rules. However, like Use Value Assessment, an LDR program is a temporary solution to the problem of farmland and open space conversion.” (Ibid., p. 65)
- g) Donation – “When conservation easements are accepted as donations from landowners, the donor property owner qualifies for certain tax incentives at the state and federal levels, instead of receiving payment from the locality. Localities may accept donations of conservation easements, and many private or semi-private institutions also accept easement donations. Easement donations can also be promoted by localities in conjunction with a PDR program. The Internal Revenue Service (IRS) code allows two principal forms of tax benefit – a federal income tax deduction and an estate tax exclusion. The amount of the deduction or exclusion is determined by an appraiser who calculates the

diminution in value resulting from the permanent restriction on the use of the land resulting from the placement of the easement on the land. Only easements granted in perpetuity are eligible for the tax benefit. The donation must be made to a qualified organization exclusively for 'conservation purposes.'" (Ibid., p. 66)

- h) Advantages – "In general, conservation easements provide for a great deal of flexibility in implementation. Features include:
- Placing land under easement does not make it open to the public unless specifically provided
 - The property is maintained in private ownership
 - Segments or whole parcels may be placed under easement
 - Some or all of the property rights may be deed restricted
 - The easement may be held in perpetuity or for a set number of years
 - The financial benefits of conservation easements can be substantial in reduced real estate taxes and inheritance taxes if the conservation is donated" (Ibid., p. 67-68)

- i) Limitations – "A common limitation of conservation easement tools is the funding they require to administer the program, to publicize it, and often, to operate it. For example, lack of information limits the use of voluntary conservation easements." (Ibid., p. 61)

5. Conservation Design – "Conservation design is a density neutral design system that takes into account the natural landscape and ecology of a development site and facilitates development while maintaining the most valuable natural features and functions of the site." (An Introduction to Conservation Design (Part I), John Southard, P.E.). This approach develops subdivision design standards that focus on the design of building sites and infrastructure in a subdivision to minimize the impact on environmental features.

II. Current Situation is as follows:

- A. Tools Currently Being Implemented Effectively – Some of the rural open space preservation tools have no reasonable opportunity for enhancement. These are Overlay Districts, Use Value Assessment and Agricultural and Forestal Districts.
- B. Tools Currently being Implemented that Could be Enhanced – The following current rural open space preservation tools could be enhanced as follows:
1. Comprehensive Plan – The most effective policy guide in the Comprehensive Plan is the Long-Range Land Use Plan. By including

policies that encourage more aggressive open space policies in the Rural Area, the Board could guide other programs that preserve open space. Additionally open space is more valuable if it is connected with other open space. The Comprehensive Plan helps identify corridors of open space and open space connections.

2. Large Lot Zoning – This tool could be enhanced by increasing the minimum lot size in the Rural Area to 20 acres as recommended by the American Farmland Trust. This could be paired with Rural Cluster Development – allowing density increases if Rural Cluster Development is utilized.
 3. Rural Cluster Development – Enhancement of this tool could include density bonuses for Cluster Development. This could be paired with Large Lot Zoning as described above.
 4. Conditional Zoning – Currently, there are no opportunities for rezoning within the Rural Area. Introduction of a new zoning district, i.e., A-2 that provides more density than A-1 may make this a useful tool. This could be paired with Large Lot Zoning and Rural Cluster Development to encourage open space preservation.
 5. Capital Improvement Program – Additional funding could be provided for land acquisition for parks or as part of a Purchase of Development Rights (PDR) program.
 6. Conservation Easements – The County could enhance the effectiveness of this tool by partnering with a land trust to help educate property owners on the value of donation and to maintain conservation easements.
 7. Conservation Design – The County could incorporate conservation subdivision design standards into the Subdivision Ordinance and/or Design and Construction Standards Manual.
- C. Develop New Tools – The tools that are not currently being used could be implemented. These are Transfer of Development Rights, Purchase of Development Rights and Lease of Development Rights.
- D. Tools for Further Study – The following rural open space preservation tools warrant further study in order to bring forward appropriate legislation for initiation:

1. Comprehensive Plan – Identify additional policies to encourage open space preservation in the Rural Area and develop a policy framework for evaluating rural development projects.
 2. Rural Cluster Development – Review opportunities to enhance the Rural Cluster Development regulations in the Zoning Ordinance including possible density bonuses. Consider opportunities to pair this with Large Lot Zoning or Conditional Zoning.
 3. Conditional Zoning – Study the feasibility of creating a new zoning district that can be used in the Rural Area to allow rezoning to occur.
 4. Conservation Easements – Research possible land trusts that could partner with the County in conservation efforts.
 5. Conservation Design – Research possible design standards for rural development that would support rural open space preservation goals.
 6. Other – Other rural preservation tools as appropriate.
- E. Policy Support - The following policies in the Comprehensive Plan support further study of rural open space preservation tools:
1. Comprehensive Plan
 - a) EN1.3 – Identify and pursue opportunities for open space preservation that preserve unique habitats of special concern with an emphasis on connecting to existing natural resources conservation areas.
 - b) LU4.5 – Due to the collective environmental responsibilities of MCB, Quantico, Prince William Forest Park and Prince William County and in the best interests of preserving the pristine character of the entire south fork of the Quantico Creek watershed the County shall implement cooperative resource protection strategies. Such strategies shall employ measures that result in the conservation of that portion of the watershed (Figure 5) outside of MCB, Quantico and Prince William Forest Park. Such measures may include best management practices, public land acquisition and /or conservation easements.
 - c) OS5.3 3 – In the Comprehensive Plan, identify and map existing open space and other areas where acquisition of additional protected open space should be prioritized.

2. Rural Cluster Development

- a) EN3.1 – Encourage cluster development to protect contiguous natural open space, as defined by the Zoning Ordinance.
- b) LU2.3/EN3.2 – Amend the cluster ordinance to ensure that open space is permanently protected.
- c) OS5.2 – Review the open space development standards and definitions in the Zoning Ordinance, including the rural cluster component, and update them to reflect the goals and policies of this chapter.

3. Conditional Zoning

- a) OS4.2. – Review and implement programs that provide incentives for landowners in the rural area to preserve agricultural land uses, protect prime soils, and prevent non-agricultural uses from negatively impacting the primary land use.
- b) LU4.3 – Consider whether additional provisions are needed in the Zoning Ordinance to reduce potential use incompatibilities between MCB, Quantico training activities and uses located in the County.

4. Conservation Easements

- a) OS5.5 – Actively seek to acquire easements or fee interest in property through land purchases, grants, proffers, and donations that is suitable for protected open space, including existing open spaces, or where an environmental constraints analysis shows that by-right development would result in substantial community impacts.
- b) EN3.10 – Establish and continue partnerships with local agencies and organizations to initiate and provide public information programs aimed at conserving lands in the watershed through civic engagement community stewardship.
- c) EN3.11 – Investigate the benefits of involving a private conservancy for the purpose of purchasing privately held lands for preservation purposes and seeking perpetual conservation easements to preserve open space.

5. Conservation Design

- a) DES-Policy 9 – Preserve and enhance the unique architectural and landscape qualities of the County’s rural area.
 - (i) Action Strategy 3 – Provide site plans and building designs that protect the existing visual quality and natural resource values that make these areas distinctive.
 - (ii) Action Strategy 4 – a Encourage any new development in the Rural Area to preserve the visual character of the rural landscape by providing appropriate building setbacks, with landscaped/preserved open space occupying the setback area; and preserving important scenic resources—hedgerows, mature trees, farm buildings, walls and fences, and open fields.
- b) DES-Policy 12 – Fit new development into the natural landforms, particularly the existing woodland areas of the County.
 - (i) Action Strategy 1 – Recognize existing woodland areas as important features for protecting water quality, contributing to the overall beauty of the County, and promoting ecological diversity. Preserve and protect the natural terrain, drainage, and woodland areas in new development in accordance with EN-Policy 4, AS-1 and 2 of the Environment Plan. Preserve historic and champion trees and other specimen trees in cooperation with the County Arborist.
 - (ii) Action Strategy 2 – Encourage the integration of public open space areas with that of neighboring properties, to avoid fragmentation of open spaces and natural areas.
 - (iii) Action Strategy 3 – Minimize clearing and cut-and-fill operations. Encourage the placement of buildings so as to minimize the need for excessive grading. Avoid disturbance of steep slopes, particularly up-slope of important natural resource areas, such as perennial streams.
 - (iv) Action Strategy 4 – Align new roads to follow the natural contours of the land. Incorporate into the DCSM road standards that will allow greater preservation of the natural terrain and woodland areas.

- (v) Action Strategy 5 – Encourage the preservation of existing natural woodland strips of 50 feet in width and greater along collector and higher classification streets to screen views of parking lots and building rears, to maintain a more uniform and continuous streetscape edge along a roadway corridor, and to blend development in with the natural setting of the surrounding areas.

III. Recommendation – This report is for information only.

Staff: David McGettigan, AICP x7189

Attachments:

- A. Comprehensive Plan Open Space Policies
- B. Zoning Ordinance A-1 & Rural Cluster provisions
- C. Managing Growth and Development in Virginia: A Review of the Tools Available to Localities

INTRODUCTION

The Comprehensive Plan for Prince William County contains a clear strategy for responsible, fiscally-sound growth to produce a vibrant, prosperous, stable, “livable” community. The Plan encourages new opportunities for high-end housing and targeted economic development that will strengthen the County’s tax base and balance existing housing and economic activities. It seeks to ensure a high quality of life for all County residents and heighten the County’s image by:

- Providing large amounts of open space, particularly in preservation and conservation areas.
- Encouraging higher land use densities at transit locations.
- Maintaining planned levels of residential and non-residential development.
- Providing adequate and affordable public services to meet the needs of current and future residents, and meeting established levels of service.
- Improving the design of sites and buildings.

The goals, policies, and action strategies in the Comprehensive Plan have been shaped by citizen preferences, the County’s Strategic Plan, sound planning principles, and a need to balance the competing demands for development and the preservation of the County’s distinct, irreplaceable character. The following four general goals for the future development of Prince William County represent the vision within which the Comprehensive Plan was crafted:

- **Strong economic growth**
 - ◆ New and expanded employment opportunities.
 - ◆ An improved County tax base – higher ratio of jobs to houses, non-residential uses to residential uses.
 - ◆ Higher-income professional jobs and higher-income housing.
 - ◆ Greater number of targeted industries, and the development and expansion of certain existing County-based companies.
 - ◆ Public and private investment to encourage quality economic growth.
- **Affordable, practical, and fiscally sound residential and economic development**
 - ◆ Infill development, mixed-use, and development of already developed areas within the development densities indicated in the Long-Range Land Use Plan, to maximize efficiency of existing infrastructure.
 - ◆ Updated levels of public service standards.
 - ◆ Capital Improvements Program and operating budget reflective of Comprehensive Plan policies and action strategies.

Attachment A

Comprehensive Plan Open Space Policies

- **Prince William County as an attractive, “livable” community**
 - ◆ Good community design to ensure a high quality of life for County residents and to attract targeted businesses.
 - ◆ Preservation of areas of rural character and significant cultural/historical resources.
 - ◆ Revitalization of older commercial and residential areas of the County.
 - ◆ Sound environmental quality.
 - ◆ A variety of land use types and densities, to make the County an interesting place to live or visit.

- **Cost-effective and Plan-based transportation systems**
 - ◆ Roadway widths and locations determined by existing and planned densities.
 - ◆ Major new roadways to serve development.
 - ◆ Regional mass transportation “hubs” to develop at high-density mixed-use with transit-oriented land uses.

The Rural Area is that portion of Prince William County containing agricultural, open space, forestry, and large-lot residential land uses, as well as two federal parks. Large-lot residential clusters, providing large tracts of permanent open space, are an alternative residential pattern permitted in the Rural Area. The Rural Area designation helps preserve the County’s agricultural economy and resources, the quality of the groundwater supply, and the present open space and rural character of Prince William County. The Rural Area may be served by public water facilities but not by public sewer facilities, except under the emergency conditions identified in the Sewer Plan or to serve specific public facilities. Designation of the Rural Area and application of the development goals, policies, and action strategies for it are intended to help avoid the negative economic, social, and environmental characteristics of sprawl development.

ENVIRONMENT

Intent

The intent of the Environment Plan is to ensure that in developing the County, the natural beauty is preserved, water quality is protected, property values and quality of life are enhanced, and ecological diversity is preserved. With sound protection measures, such as those presented herein, Prince William County's citizens, business community, and visitors enjoy a healthy environment coexisting with a vibrant economy. In this regard, this Plan is to be used to address environmental issues, evaluate development proposals in their earliest stages, and develop ordinances.

Sustaining our environmental position is critical to the County's capacity to ensure a high quality of life, provide for continued economic growth, and actively conserve and protect natural resources, including public drinking water supplies. To this end, it is critical for the County to establish clear measurable goals and environmental benchmarks in order to gauge its progress and plan for the future. Prince William County utilizes a sustainability approach in its planning and development policies. Prince William County embraces the environmental and economic benefits of its green infrastructure, considering emerging green technology, ensuring a multi-faceted decision-making approach that balances infrastructure needs, while balancing environmental, economic, and social issues.

GOAL: Preserve, protect, and enhance the significant environmental resources and features of the County including air quality, topography, soils, ground and surface water, biotic communities (stream corridors, forests, and wetlands), sensitive plant and animal species, and natural viewsheds.

EN-POLICY 1: Consider environmental concerns at all levels of land use related decision-making.

EN1.3 Identify and pursue opportunities for open space preservation that preserve unique habitats of special concern with an emphasis on connecting to existing natural resources conservation areas.

EN-POLICY 3: To further support OS-Policy 5, a minimum of 39 percent of the total area in the County exclusive of acreage of Marine Corps Base Quantico for all calculation purposes, should be retained as protected open space, as defined in the Open Space Plan.

EN3.1 Encourage cluster development to protect contiguous natural open space, as defined by the Zoning Ordinance.

EN3.2 Amend the cluster ordinance to ensure that open space is permanently protected.

EN3.3 Amend the DCSM to ensure that there is a defined buffer standard for public parks.

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- EN3.4** Amend the Zoning Ordinance and/or DCSM to prohibit the establishment of proffered conservation and preservation areas on residential lots.
- EN3.5** Develop and publish guidelines for homeowner associations that detail how to manage conservation areas while providing information on responsibilities and a checklist of standard management measures and benefits.
- EN3.6** Make information on conservation easements available to landowners, including distribution points at the Tax Assessment Department and other relevant County offices, to encourage the use of open space/conservation easements as tools to preserve environmental resources.
- EN3.7** Encourage the use of open space/conservation easements or fee simple dedication to preserve open space in already developed areas in order to provide natural areas, protect environmentally sensitive resources, preserve wildlife habitat and ensure a scenic appearance over time. Consider development at the high end of the density range for those projects that preserve sensitive features, identified in the ECA, beyond the minimum preservation requirements such as buffers, RPA and floodplain.
- EN3.8** The County shall review and implement opportunities for a Purchase of Development Rights (PDR) program.
- EN3.9** Explore the use of available federal and state funding resources, including grants, foundations, and transportation related funds, to support green infrastructure planning initiatives and a PDR program.
- EN3.10** Establish and continue partnerships with local agencies and organizations to initiate and provide public information programs aimed at conserving lands in the watershed through civic engagement community stewardship.
- EN3.11** Investigate the benefits of involving a private conservancy for the purpose of purchasing privately held lands for preservation purposes and seeking perpetual conservation easements to preserve open space.
- EN3.12** Support initiatives promoted by the County's Trails and Blueways Council to establish a Countywide trails and corridors system through the voluntary donation of land and conservation easements from interested property owners as a means of environmental protection.
- EN3.13** To protect the biological diversity, processes, and functions of natural habitats, identify and prioritize a network of preservation corridors or large woodland areas to be incorporated into an overall habitat protection network.

LONG-RANGE LAND USE

Intent

Prince William County, as a locality within the Washington metropolitan region, recognizes that growth and change will occur, and embraces the belief that change is vital to the well-being of the community. Specifically, Prince William County recognizes that smart long-range land use planning can help create sustainable transportation networks and encourage development that is environmentally and fiscally sound. Concentrating population, jobs, and infrastructure within vibrant, walkable, mixed-use centers served by transit will help ease road congestion by providing options for a range of transportation modes. This type of development will also ease development pressure on less developed or rural portions of the County. Furthermore, this type of development creates vibrant destinations with a strong sense of place, which foster business and provide housing and job opportunities. Thus, the County seeks to follow guidance from a number of nationally recognized smart growth principles regarding the long-range development of land within its boundaries, so that open space and cultural resources are preserved, business is supported and expanded, the County's financial health is strengthened, and an exceptional quality of life is provided to County Residents.

The United States Environmental Protection Agency defines smart growth as a range of development and conservation strategies that help protect our natural environment and make our communities more attractive, economically stronger, and more socially diverse. The ten principles of Smart Growth, as adapted specifically to the County, provide a sound basis by which the County can plan for its long-term future:

1. Mix land uses in the Development Area.
2. Take advantage of compact, environmentally friendly and energy efficient building design.
3. Create a range of housing opportunities and choices.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, cultural resources, natural beauty, and critical environmental areas.
7. Strengthen and direct development towards existing communities and infrastructure.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost-effective.
10. Encourage community and stakeholder collaboration.

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Observing these principles will allow for the County's long-term success. Smart growth recognizes connections between development and quality of life. It leverages new growth to improve the community. The features that distinguish smart growth in a community vary from place to place, but in general, smart growth invests time, attention, and resources in restoring and creating vitality to communities. Smart growth is town-centered, is transit and pedestrian oriented, and has a mix of housing, office and retail uses. It also creates open space, and preserves environmental amenities and cultural resources. Additionally, because of quality architecture and site planning, these communities are generally attractive and desirable.

The Long Range Land Use Plan contains six distinct goals, the achievement of which, along with the remaining chapters of the Comprehensive Plan, guides a land use pattern consistent with the principles of smart growth. This plan provides a framework of land use and infrastructure that will improve the quality of life for citizens by creating self-sustaining communities where it is possible to live, work and play. Centers of commerce and community within Prince William County will encourage future growth to be concentrated in vibrant, safe, mixed-use centers that will accommodate a range of housing and transportation choices. These compact, walkable, and transit-friendly areas should develop with attractive design themes to foster a sense of place. Centers are generally located in areas that already have significant investment in public facilities.

Focusing growth in centers will ease development pressures on existing communities. This policy complements the goal of preserving existing communities and ensuring appropriately scaled in-fill development. Protection of cultural resources, open space, and environmentally sensitive areas is also integral to the preservation goals. The pedestrian orientation of these centers provides opportunities for adequate open space and trails. Parks and recreation facilities should be integrated into development to increase accessibility of parks to communities.

Developing processes that further the land use vision will ensure success in implementing the plan. Providing the tools necessary to achieve the vision establishes a pathway to success. Review of public facilities to ensure investment in public infrastructure furthers the vision is a critical component of plan implementation.

LAND USE GOAL: To promote a Countywide pattern of land use that encourages fiscally sound development and achieves a high-quality living environment.

LU-POLICY 2. Provide for a variety of land uses to allow a diversity of housing unit types and employment opportunities throughout the County.

LU2.3 Open space created as part of cluster developments shall be preserved as permanent open space.

LU2.4 The purpose of both cluster development and planned district/planned unit development is to:

- Provide locations for town centers.

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- Implement the development of centers of commerce and centers of community.
- Promote the efficient use of land and minimize or limit cut and fill.
- Preserve slopes and woodlands.
- Better manage stormwater run-off and water quality.
- Reduce the length of streets, utility lines, and stormwater piping.
- Provide design flexibility.
- Promote the most cost-effective provision of public services necessary to support the development.
- Preserve open space.
- Preserve cultural resources.

LU2.5 Direct new development to areas served by transit corridors; particularly designated centers of commerce, centers of community and Mass Transit Nodes.

LU2.6 Ensure that the primary function of the Rural Area as reflected by the Long-Range Land Use Plan Map is to maintain open space, protect native habitats, allow for large-lot residential development, allow for agricultural activities, and provide potential sites for community facilities.

LU-POLICY 4: To recognize Marine Corps Base (MCB), Quantico as a valuable asset deserving protection and to ensure that future development adjacent to or near MCB Quantico does not negatively affect the mission of the military base.

LU4.2 When evaluating proposed rezonings and/or special use permits that involve property potentially impacted by MCB, Quantico consider measures to reduce potential use incompatibilities between the proposed use and the MCB, Quantico training activities.

LU4.3 Consider whether additional provisions are needed in the Zoning Ordinance to reduce potential use incompatibilities between MCB, Quantico training activities and uses located in the County.

LU4.4 Retain the existing boundary and the 1 unit per 10 acre density of the Rural Area where it presently exists near MCB, Quantico.

LU4.5 Due to the collective environmental responsibilities of MCB, Quantico, Prince William Forest Park and Prince William County and in the best interests of preserving the pristine character of the entire south fork of the Quantico Creek watershed the County shall implement cooperative resource protection strategies. Such strategies shall employ measures that result in the conservation of that portion of the watershed (Figure 5) outside of MCB, Quantico and Prince William Forest Park. Such measures may include best management practices, public land acquisition and /or conservation easements.

LU-POLICY 11: Encourage a land use pattern that respects environmental features in accordance with the goals and objectives of the Environment Plan.

LU11.3 Ensure that the primary function of the Rural Area as reflected by the Long-Range Land Use Plan Map is to maintain open space, protect native habitats, allow for large-lot residential development, allow for agricultural activities, and provide potential sites for community facilities.

PARKS AND RECREATION GOAL: To provide adequate recreational, park, open space and trail amenities that contribute to a high quality of life for County residents.

LONG RANGE LAND USE PLAN MAP AND CLASSIFICATIONS

The Long-Range Land Use Plan serves as a guide to the physical development of the County and reflects the spatial distribution of various urban, suburban and rural land use classifications. While this plan is a generalized document, it can be looked at on a site-specific basis, in consideration of approved zonings or other Board of County Supervisors' action that clearly states County planning policy for a site or area. The plan is implemented by the Zoning Ordinance, the Subdivision Ordinance and/or the Design and Construction Standards Manual. The Long-Range Land Use Plan can only be interpreted in conjunction with the rest of the Comprehensive Plan.

Previously approved projects shall be considered when new projects are being evaluated.

THE RURAL AREA

The Rural Area. This is the area of Prince William County in which are contained agricultural, open space, forestry and large-lot residential land uses, as well as occasional small-scale convenience retail centers and community facilities. Large-lot residential cluster development contained within or abutted by large tracts of permanent open space is an alternative residential pattern permitted in the Rural Area. Unlike the 10-acre lots permitted by right, however, these clusters require subdivision approval by the County. The purpose of the Rural Area designation is to help preserve the County's agricultural economy and resources, the County's agricultural landscapes and cultural resources, the quality of the groundwater supply, and the open space and rural character presently found there. The Rural Area also protects Prince William Forest Park and Manassas National Battlefield County Registered Historic Sites, which serve as key anchor points within the Rural Area classification. While it is intended that the Rural Area be served by public water facilities, the Rural Area is not intended to be served by public sewer facilities, except under emergency conditions as identified in the Sewer Plan. Protecting the Rural Area from higher density is the key to furthering the intent of this plan and achieving the ten smart growth principles throughout the County including the Development Area. Designation of the Rural Area and application of the development Goals, Policies, and Action Strategies relative to the Rural Area are intended to help avoid the negative economic, social and environmental characteristics of sprawl development.

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Agricultural or Estate (AE). The purpose of the Agricultural or Estate classification is to protect existing agricultural lands, cultural resources, and open space, as well as other important rural environmental resources, and to provide areas within the County where large lot residential development is appropriate. The maximum density is one dwelling per 10 gross acres.

COUNTYWIDE CATEGORIES

Environmental Resource (ER). This classification is explained in detail within the Environment Plan. Therein are located goals, policies, action strategies, and other Plan components designed to protect the sensitive nature of the identified resources. Environmental Resources include all 100-year floodplains as determined by the Federal Emergency Management Act (FEMA), Flood Hazard Use Maps or natural 100-year floodplains as defined in the Design and Construction Standards Manual, and Resource Protection Areas (RPAs) as defined by the Chesapeake Bay Preservation Act. In addition, areas shown in an environmental constraints analysis submitted with a rezoning or special use permit application with wetlands; 25 percent or greater slopes; areas with 15 percent or greater slopes in conjunction with soils that have severe limitations; soils with a predominance of marine clays; public water supply sources; and critically erodible shorelines and stream banks are considered part of the Environmental Resource Designation.

Parks and Open Space (POS). The purpose of this classification is to designate existing and projected parks and recreational areas of the County. The Parks, Open Space, and Trails Plan contains a complete inventory of existing federal, state, and local parks, and of planned parks within the County.

PARKS, OPEN SPACE AND TRAILS

INTENT

The quality of life for residents of Prince William County is linked closely to the development and management of a well-maintained system of parks, trails, and open space. Prince William County contains a diversity of park, open space, and trail resources. These parklands, open spaces and recreational facilities play a key role in shaping both the landscape and the quality of life of Prince William County residents through the conservation of natural and cultural resources, protection of environmental quality, and provision of recreational facilities. Prince William County's parks and open spaces have evolved into a diversified mosaic of public parks, public open space and recreation facilities, ranging from smaller local parks to extensive, regionally and nationally significant land holdings. Privately managed parks, open space, and facilities provide additional components of the open space and recreation system serving County residents. The integrated park system serves as the primary public mechanism for accomplishing two equally important purposes: (1) to protect and preserve environmentally sensitive land, habitat connectivity, and water resources, and areas of archaeological, historical and/or cultural significance; and (2) to provide opportunities for residents, workers and visitors to pursue leisure activities in safe, accessible, and enjoyable parks and community recreational facilities.

OPEN SPACE PLAN

INTENT

A system of open space and corridors will protect water quality in streams and ultimately the Chesapeake Bay (including sources of public drinking water); enhance the ability of wildlife to find food, water, and shelter; minimize environmental damage from development on excessively steep slopes, floodplains, resource protection areas (RPAs), or inappropriate soils; conserve cultural sites and scenic vistas; and enhance connections between neighborhoods.

These open spaces and corridors can be used for recreation; wetlands and forests supply storm-water drainage and wildlife habitat; and farms and forests provide aesthetic benefits to surrounding residents. In rapidly growing urban and suburban areas, any preserved land can offer relief from congestion and other negative effects of development.

Open space provides a range of economic, aesthetic, environmental, and recreation benefits to the citizens of a community. Open space enhances property values and attracts businesses, homebuyers, and workers.

This open space plan provides policy guidance for the future of Prince William's open space. The plan includes objectives, strategies, and recommended actions designed to ensure the

Attachment A Comprehensive Plan Open Space Policies

provision of an adequate supply of beneficial open space to satisfy the needs of this and future generations in the county.

The plan also includes minimum open space and recreation facility principles and identifies criteria to evaluate acquisition sites and implementation strategies.

DEFINITIONS

Open Space: Land that is not dominated by man-made structures. It preserves natural or cultural resources, provides for passive recreation, is used for cultivated fields or forests, or exists in a natural and undeveloped state. Open space may include nature preserves, historic sites, farms, parks, forests, floodplains, wetlands, etc., and may include some structures, parking areas, roads, trails and facilities that support the use of the land.

Protected Open Space: Land that is protected from development with perpetual conservation or open space easement or fee ownership, held by federal, state, or local government or nonprofit organization for natural resource, forestry, agriculture, wildlife, recreation, historic, cultural, or open space use, or to sustain water quality and living resources values.

OPEN SPACE GOAL: Preserve existing protected open space, maintain high quality open space, and expand the amount of protected open space within the County.

OS- POLICY 1: Complete and maintain an up-to-date inventory of protected open space in Prince William County.

1. Periodically prepare and publish a comprehensive inventory of existing protected open space.
2. Define and publish guidelines for calculating changes to the inventory of protected open space.
3. Maintain an open space inventory map showing parcel-specific boundaries of protected open space and make this information available as a geographic information system (GIS) layer on the County Mapper.

OS- POLICY 2: Partner with other government agencies, businesses, and non-government organizations, including nonprofit organizations and home owner associations to permanently protect open space and increase public access to open space areas.

1. Coordinate land use planning with the recommendations of the Virginia Outdoors Plan, the Virginia Wildlife Plan, the Virginia Natural Heritage Resources Assessment, and the Virginia Department of Historic Resources' Cultural Resources Inventory.

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Comprehensive Plan Open Space Policies

2. Coordinate county land use planning efforts with federal, state, regional, and local public and private open space providers.
3. Coordinate open space planning efforts with adjoining counties, the cities of Manassas and Manassas Park, and the towns of Occoquan, Quantico, Dumfries, and Haymarket.

OS- POLICY 3: Identify county-owned land and designate such land for open space, where suitable.

1. Review county-owned properties and determine what county-owned lands should be protected as open space, and ensure such designation is made in official management plans of the Park Authority, Service Authority, Department of Public Works, Transportation Department, and other county agencies.
2. Consider using future "surplus" county rights-of-way or other county-owned lands for trails, parks, and open space, prior to determining if other disposition is more appropriate.

OS- POLICY 4: Retain existing open space in the county.

1. Review and implement programs, including the purchase of development rights (PDR), transfer of development rights (TDR), and outreach highlighting opportunities available through private conservation easements in order to protect existing open space.
2. Review and implement programs that provide incentives for landowners in the rural area to preserve agricultural land uses, protect prime soils, and prevent non-agricultural uses from negatively impacting the primary land use.

OS-POLICY 5: A minimum of 39 percent of the total area in the County, (exclusive of acreage of Marine Corps Base Quantico for all calculation purposes), should be retained as protected open space.

1. When and where possible and appropriate, work with home owner associations, utility companies, and other private property owners to obtain appropriate easements and covenants that ensure permanent protection of open space.
2. Review the open space development standards and definitions in the Zoning Ordinance, including the rural cluster component, and update them to reflect the goals and policies of this chapter.
3. In the Comprehensive Plan, identify and map existing open space and other areas where acquisition of additional protected open space should be prioritized.

Attachment A

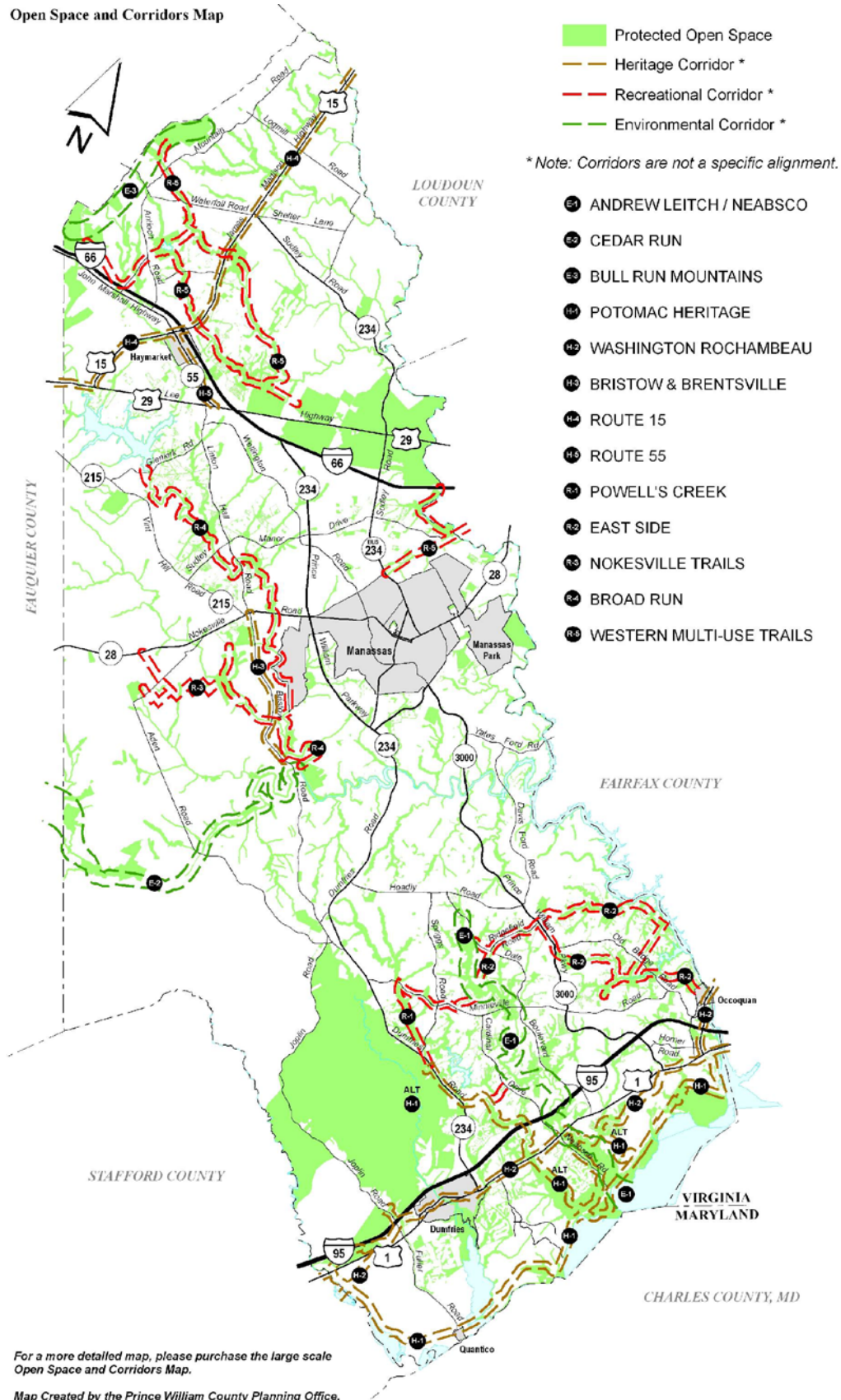
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- 4.** Review opportunities, including the purchase of development rights (PDR) and transfer of development rights (TDRs) and implement appropriate programs in order to provide incentives for landowners to protect open space and to shift density to appropriate locations where infrastructure is planned or in place.
- 5.** Actively seek to acquire easements or fee interest in property – through land purchases, grants, proffers, and donations – that is suitable for protected open space, including existing open spaces, or where an environmental constraints analysis shows that by-right development would result in substantial community impacts.
- 6.** Acquire easements as authorized by the Virginia Open Space Land Act.
- 7.** Update the Zoning Ordinance to ensure increased requirements for protected open space.
- 8.** Consider open space acquisition as a regular component of the capital improvement program.

Attachment A

Comprehensive Plan Open Space Policies

Open Space and Corridors Map



Attachment B

Zoning Ordinance – A-1 And Rural Cluster provisions

Sec. 32-301.01. - A-1, Agricultural, zoning district; purpose and intent.

The A-1, Agricultural zoning district is intended to implement the agricultural or estate classification of the comprehensive plan. The district is designed to encourage conservation and proper use of large tracts of real property in order to assure available sources of agricultural products, to assure open spaces within reach of concentrations of population, to conserve natural resources, prevent erosion, and protect the environment; and to assure adequate water supplies. The intent is to encourage private land owners to protect these values and thereby create an environment favorable for the continuation farming and other agricultural pursuits; to preserve prime agricultural land, forest land and/or open space; and to reduce the demand for costly public facilities and services that are inconsistent with the character of the rural areas within Prince William County.

(Ord. No. 99-26, 4-20-99; Ord. No. 11-30, Attch., 7-19-11)

Sec. 32-301.02. - Uses permitted by right.

The following uses shall be permitted by right in the A-1 district:

1. Except for the keeping of domestic fowl as regulated in Part 508, agricultural uses, the keeping of livestock and fishery uses, on lots two acres or greater. For lots principally used for agricultural purposes, the limits on the number of horses and other domesticated equines provided for in subsection 32-300.02.6 shall not apply for lots ten acres or larger in size. Accessory structures such as, but not limited to, barns, sheds and stables shall be permitted as required for bona-fide agricultural uses.
2. Group home, as defined by Code of Virginia, § 15.2-2291, including group residences for ambulatory elderly persons, whether or not special accommodations are required, but shall not include nursing homes or hospitals.
3. Home employment, subject to standards in section 32-300.16
4. Home occupation, subject to standards in section 32-300.07.2.
5. Home sales office, subject to standards in section 32-300.07.1.
6. Lodging house, on lots ten acres or greater in size.
7. Noncommercial keeping or breeding of exotic birds and miniature animals (other than dogs), pursuant to the standards of section 32-300.02.8.
8. Nursery, greenhouse, selling only produce, flowers or other plant life raised to a mature state for harvest or through several growing seasons, on lots ten acres or greater in size; limited retail sales of incidental products and the storage and use of equipment to maintain plant life shall be permitted, however, landscaping businesses and garden centers shall be permitted only by a special use permit.
9. Stables, private or commercial; for lots principally used as stables, the limits for the number of horses and other domesticated equines established by subsection 32-300.02.6. shall not apply provided such lots are ten acres or greater in size.
10. Temporary sawmill.

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Zoning Ordinance – A-1 And Rural Cluster provisions

11. One-family dwelling, and manufactured homes on a permanent foundation and subject to all requirements of this chapter applicable to one-family dwellings, one per lot. One-family dwellings and manufactured homes on nonconforming lots, including those allowed by subsection 12. following, shall be governed by the provisions of subsections 32-601.33.2. and 32-601.40.2. of this chapter.
12. One-family dwelling, and manufactured homes on a permanent foundation and subject to all requirements of this chapter applicable to one-family dwellings, (one per lot) on a lot created under the provisions of section 25-6 of the Prince William County Code.
13. Rural cluster developments, with lots of less than ten acres, created under the provisions of sections 32-300.40 et seq.
14. Timbering, subject to the restrictions contained in Part 504, sections 32-250.53 et seq., and any other applicable provisions of this chapter.

(Ord. No. 94-1, 1-11-94; Ord. No. 95-76, 9-5-95; Ord. No. 99-26, 4-20-99; Ord. No. 99-64, 9-7-99; Ord. No. 04-78, 12-21-04; Ord. No. 11-22, 4-19-11)

Sec. 32-301.03. - Secondary uses.

The following uses shall be permitted by right in the A-1 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Community operated parks, clubhouses, swimming pools, racquet ball and tennis courts, health and fitness facilities, and other recreational or civic facilities, as secondary uses to a principal residential development for the exclusive use of the residents of the development and their guests.
2. Dwelling unit for farm employees. One dwelling unit shall be permitted as an accessory use for every ten acres of lot area, for lots ten acres or greater in size.
3. Satellite parking, secondary to a religious institution or place of religious worship only, with a special use permit, subject to standards in section 32-300.07.8.
4. Tack shop, secondary to a stable use only.

Editor's note—

Section 301-03 adopted Dec. 21, 2004, pursuant to Ord. No. 04-78, and includes provisions relocated from §§ 32-300.02 and 32-300.07. Former §§ 32-301.03—32-301.06 renumbered accordingly.

Sec. 32-301.04. - Special uses.

The following uses shall be permitted in the A-1 district on existing lots of any size with a special use permit:

1. Adaptive reuse of a historic building, subject to the standards of section 32-300.07
2. Adult day care facility.
3. Airport, heliport, private airstrip.
4. Bed and breakfast, subject to the standards of section 32-300.15
5. Cemetery.

Attachment B

Zoning Ordinance – A-1 And Rural Cluster provisions

6. Child care facility.
7. Civic club.
8. Commercial kennels.
9. Commercial recreation facility, outdoor, excluding laser tag facilities.
10. Commercial riding facility, equestrian center, polo club, or recurring horse show or equestrian events.
11. Community operated parks, clubhouses, swimming pools, racquet ball and tennis courts, health and fitness facilities, and other recreational or civic facilities, as secondary uses to a principal residential development, for the use of the residents of the development and others.
12. Country club.
13. Extraction of mineral resources (mining, quarrying, etc.).
14. Farmer's market/flea market.
15. Garden center.
16. Horse racetrack (excluding training tracks for horses, which are permitted by right).
17. Home business
18. Landscaping service.
19. Lodging house (on lots smaller than ten acres in size).
20. Mortuary, funeral home, crematory accessory to a cemetery which is a minimum size of 20 acres and which is operated as a commercial enterprise or associated with a religious institution.
21. Paintball facilities, including all land devoted to shooting ranges, as well as any accessory buildings or structures, shall be permitted in the A-1 district with a special use permit, and shall meet the following minimum standards:
 - (a) Facilities shall be located entirely within areas designated AE, Agricultural or Estate in the comprehensive plan.
 - (b) Minimum lot size for the use shall be 50 acres.
 - (c) Facilities shall not be located within 500 feet of any occupied dwelling.
22. Petting farm.
23. Private camp.
24. Private school.
25. Recovery home, subject to the standards of section 32-300.07.9.
26. Religious institution or place of religious worship, subject to the standards of section 32-300.07.7.
27. Retail sales/breeding of exotic birds and miniature animals (other than dogs)

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Zoning Ordinance – A-1 And Rural Cluster provisions

28. Rifle, pistol, skeet, trap, archery range, turkey shoots; indoor shooting ranges.
29. Rural home business, subject to the standards of section 32-300.14
30. Satellite parking lot for religious institution subject to the standards of section 32-300.07.8.*
31. Shelters for the homeless.
32. Travel trailer and camp park.
33. Veterinary hospital.

The requirement for an SUP is set out in * section 32-300.07. It is repeated here for ease of reference and consistency with all other special uses indicated in section 32-300.07.

(Ord. No. 92-70, 7-7-92; Ord. No. 94-1, 1-11-94; Ord. No. 94-41, 7-5-94; Ord. No. 98-49, 6-2-98; Ord. No. 99-64, 9-7-99; Ord. No. 04-78, 12-21-04; Ord. No. 05-41, 6-7-05; Ord. No. 05-65, 9-6-05; Ord. No. 09-30, 5-19-09; Ord. No. 11-30, Attch., 7-19-11)

Editor's note—

Former § 32-301.03 entitled "Special Uses" was renumbered as § 32-301.04 pursuant to Ord. 04-78, adopted Dec. 21-2004, and includes uses relocated from section 32-300.07

Sec. 32-301.05. - Development standards.

1. Minimum lot size for new lots shall be ten acres, except that for a lot created under the provisions of section 25-6 of the Prince William County Code, the minimum lot size shall be one acre and except as otherwise provided for in section 32-300.40 or Part 301
2. Lots shall have a minimum lot width of 100 feet or shall have at least 100 feet of width at the setback line and be served by a private road. Lots created after November 21, 1991, shall have access to a street via an exclusive and unobstructed easement not less than 18 feet in width unless served by a public or private road. If served by a private road, the following conditions shall be met:
 - a) The road shall be of a width and design as required by the design and construction standards manual.
 - b) The road shall be used only to serve permitted A-1 uses and the road right-of-way shall be zoned A-1. In the event such road is accepted by the state for maintenance, the provisions of this subsection shall not apply, provided that such road is consistent with the comprehensive plan.
3. The height limitations identified in section 32-300.05 shall not apply to structures for secondary uses to bona fide agricultural uses on lots ten acres or greater.

(Ord. No. 94-1, 1-11-94; Ord. No. 94-67, 10-4-94; Ord. No. 99-26, 4-20-99; Ord. No. 04-78, 12-21-04)

Editor's note—

Former § 32-301.04 entitled "Development Standards" renumbered as § 32-301.05 pursuant to Ord. No. 04-78, adopted Dec. 21, 2004.

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Zoning Ordinance – A-1 And Rural Cluster provisions

Sec. 32-301.06. - Setbacks.

1. All buildings, including accessory structures, shall be set back at least 35 feet from the front lot line, all streets, and all private access easements or rights-of-way.
2. An agriculturally-related accessory structure shall be located no closer than five feet from the right-of-way on lots greater than three acres. The lot shall be within the rural area as defined by the Comprehensive Plan and the right-of-way shall be a category I or II residential local street per Section 600 of the Design and Construction Standards Manual. Additionally, the structure shall not be permitted unless adequate sight distances are met in accordance with Section 600 of the Design and Construction Standards Manual.
3. The minimum rear setback shall be 25 feet.
4. The minimum side setback shall be 15 feet, except the side setback may be reduced to ten feet when properties of similar acreage within the vicinity have a ten-foot sideyard setback.

(Ord. No. 04-78, 12-21-04; Ord. No. 05-41, 6-7-05; Ord. No. 05-65, 9-6-05; Ord. No. 06-50, 5-2-06)

Editor's note—

Former § 32-301.05 entitled "Yards and Setbacks" amended and was renumbered as § 32-301.06 pursuant to Ord. No. 04-78, adopted Dec. 21, 2004.

Sec. 32-301.07. - Site plans required for commercial uses.

No commercial use, except for agricultural, fishery or forestry uses, shall be commenced in the A-1 district without approval of a site plan therefor, in accordance with the requirements of Part 800 of this chapter.

Ord. No. 04-78, 12-21-04)

Editor's note—

Former § 32-301.05 entitled "Yards and Setbacks" amended and renumbered as § 32-301.06 pursuant to Ord. No. 04-78, adopted Dec. 21, 2004.

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Zoning Ordinance – A-1 And Rural Cluster provisions

Sec. 32-300.40. - Rural cluster development.

1. Rural cluster developments shall be permitted in the rural area, as designated in the comprehensive plan, on land in the A-1, agricultural zoning district. Rural cluster development shall be subject to subdivision plan review in accordance with the subdivision ordinance and the Design and Construction Standards Manual. The subdivision plan shall include provisions for establishment of a homeowner's association or recorded covenants and restrictions that shall be responsible for the maintenance and/or use of the required open space area in accordance with this section.
2. Within rural cluster developments, the permitted uses shall be as follows:
 - (a) One-family dwellings.
 - (b) Home occupations.
 - (c) Home employment.
 - (d) Agricultural uses and their accessory uses and buildings and structures, as permitted in the A-1 agricultural zoning district and as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42
 - (e) Special uses as determined under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42
3. If the property contains an existing farm house and associated buildings and structures, a single-family dwelling that is a designated cultural resource in the comprehensive plan, or other single-family dwelling that is determined eligible for listing in the National Register of Historic Places, that farm or historic resource may be part of the required open space area of the rural cluster development, as established under the homeowners' association covenants or other recorded covenants and restrictions pursuant to section 32-300.42. The use of the farm or the historic resource other than for farming and dwelling purposes shall require a special use permit pursuant to section 32-300.42. If a separate lot is created for the farm buildings or the historic building, it shall be a minimum of three acres. The farm dwelling or historic dwelling shall not count as one of the dwellings that would otherwise be allowed pursuant to section 32-400.41.5 and a separate lot created for such features shall be allowed to count toward the required open space.

(Ord. No. 99-26, 4-20-99; Ord. No. 06-30, 3-7-06)

Sec. 32-300.41. - Design standards.

1. Any proposed rural cluster development shall be designed so as to foster the preservation of open space or existing farmland; to protect the distinct visual quality and the natural landscape, topographic, and natural resource features of the rural area; to provide landowners in the rural area an alternative use of their property; and to uphold the general intent of the A-1, agricultural zoning district.

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2. A minimum rural cluster development area of 50 acres shall be required. Additions to existing rural cluster developments may be less than 50 acres but must meet all other provisions of sections 32-300.40 through 32-300.43
3. No rural cluster development shall be further divided or otherwise redeveloped, except in accordance with sections 32-300.40 through 32-300.43
4. The minimum size of lots for residential use shall be three acres and the maximum size of lots for residential use shall be five acres, except that some lots may exceed five acres in size to accommodate topographic features, fit within a particular road layout, or address other design considerations.
5. The total number of dwellings within a rural cluster development shall not exceed one dwelling for each ten acres of land, except that a farm dwelling or historic dwelling is allowed in addition to the cluster subdivision lots, pursuant to section 32-400.40.3.
6. The rural cluster development shall have no more than one access to a public street external to that development, except for the following:
 - (a) More than one access is required pursuant to section 600 of the Design and Construction Standards Manual;
 - (b) A second or separate entrance is needed for a use located in the open space area;
 - (c) A topographic or other environmentally sensitive feature would be avoided or protected with a second entrance.

The access shall be consistent with the minimum state entrance requirements contained in section 600 of the Design and Construction Standards Manual.

7. All buildings, including accessory structures, shall be set back a minimum of 35 feet from the front lot line.
8. A 100-foot wide buffer shall be created and maintained between any external street and the edge of the rural cluster development. This buffer shall be used for the purpose of partially screening the view of a cluster-lot subdivision from the public right-of-way external to the rural cluster development and from an existing farm or a historic house on the property. If an existing farm or historic house is to remain on the property along the frontage of the external street, the buffer shall be placed between the farm or historic house and the cluster lots. This screening shall be achieved in one of the following ways:
 - (a) Where the 100-foot wide buffer already contains existing healthy trees, shrubs, or other vegetation adequate to provide the equivalent of a 100-foot wide rural buffer, the existing vegetation shall be retained during the development process and maintained in perpetuity.
 - (b) Where the buffer does not already contain vegetation, native landscaping in accordance with Table I-2 of the Design and Construction Standards Manual shall be provided adequate to screen the development from the external street, existing farm, or

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historic house, appropriate to a rural location and maintained in perpetuity. Landscaping shall be appropriate to a rural location and may include vegetation types such as old field successional trees and shrubs, flowering meadows, and meadow grasses. The provisions of the DCSM 802.12C and D shall not apply to rural cluster buffers.

(c) Only stone walls, brick walls, split-rail fences, and board rail fences are allowed, in the required buffer in conjunction with plantings or tree preservation areas

9. The maximum lot coverage for lots containing dwellings shall be 25 percent.
10. No fence or wall over four feet high shall be permitted along the frontage of the rural cluster development or each lot within that development, provided that such fences that are needed to contain permitted animals may exceed four feet.
11. Ponds, meeting the requirements of section 700 of the Design and Construction Standards Manual, may be used as stormwater management facilities.
12. A subdivision sign, when provided, shall be integrated into the landscape and be in accordance with sections 32-250.20 et. seq. Internally illuminated subdivision signs are prohibited.

(Ord. No. 99-26, 4-20-99; Ord. No. 04-78, 12-21-04; Ord. No. 06-30, 3-7-06)

Sec. 32-300.42. - Open space.

1. That portion of the gross acreage of a rural cluster development that is not developed as residential lots and as internal street(s) shall be provided as open space. The open space shall not be less than 50 percent of the gross acreage of the rural cluster development. The buffer required under section 32-300.41(7) shall be included in the open space calculation.
2. The open space shall be maintained in its natural, scenic, open and/or wooded condition and/or planted and maintained in perpetuity with indigenous species and/or species appropriate to rural locations. Agricultural use of all or a portion of this open space is permitted, as well as uses allowed in subsection 3. below.
3. The open space shall be conveyed to one or a combination of the following:
 - (a) An authorized public or private grantee, as described in the Conservation Easement Act, Code of Virginia, ch. 10.1, §§ 10.1-1009, et seq.
 - (b) A homeowners' association.
 - (c) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in an existing farm dwelling and operate a farm.
 - (d) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in and maintain an existing historic building.
 - (e) An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to obtain a special use permit for one of the following uses:

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- (1) Adaptive reuse of a historic building, subject to the standards of section 32-300.07
 - (2) Bed and breakfast.
 - (3) Cemetery.
 - (4) Commercial riding facility, equestrian center, polo club, or recurring horse show or equestrian events.
 - (5) Community operated park.
 - (6) Farm winery.
 - (7) Garden center.
- 4. The open space shall be governed by recorded restrictive covenants that shall reaffirm and provide notice of, at a minimum, the development restrictions set forth in this section. The restrictive covenants shall be achieved through a deed conveying the land to one of the entities identified in this section. This deed must be binding upon the party to which this open space is conveyed and that party's successors and assigns, unless modified with approval from the director of planning.
 - 5. Except with a formal public facility review under Code of Virginia, § 15.2-2232, no portion of any land provided as open space may be used or disturbed for any public use. Such open space may, however, be permitted to contain any required stormwater management facilities.
 - 6. Maintenance of the open space shall be the responsibility of the party or parties identified above.
 - 7. Open space in rural cluster developments shall be laid out so as to provide adequate setbacks and other appropriate transitions to and from surrounding land uses.

(Ord. No. 99-26, 4-20-99; Ord. No. 04-78, 12-21-04; Ord. No. 06-30, 3-7-06)

Sec. 32-300.43. - Internal streets.

- 1. Streets internal to the rural cluster development shall be public or private and shall be platted in accordance with section 600 of the Design and Construction Standards Manual. Pipestem lots leading from such private streets are prohibited. Common driveways serving a maximum of two lots are, however, permitted if constructed in accordance with the standards contained in the Design and Construction Standards Manual. All internal streets shall be built to the RL-1 standards contained in the Design and Construction Standards Manual, unless a higher standard is required to accommodate traffic generated by a permitted special use.
- 2. All cluster lots within a rural cluster development shall have direct access on internal streets. No cluster lots shall have direct access to a street that is external to the rural cluster development.

(Ord. No. 99-26, 4-20-99; Ord. No. 06-30, 3-7-06)