



COUNTY OF LANCASTER

FOUNDED 1651 IN VIRGINIA

LANCASTER COURTHOUSE
8311 MARY BALL ROAD
LANCASTER, VIRGINIA 22503

804-462-5129
804-462-0031 (FAX)
www.lancova.com

BOARD OF SUPERVISORS

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Don G. Gill
County Administrator

April 3, 2026

ZONING DETERMINATION LETTER

By Email Delivery To:

Mr. Adam Garrett
Garrett Realty Partners
c/o agarrett@garrettrealtypartners.com

Dear Mr. Garrett:

This letter is in response to your recent request for a zoning determination letter regarding the nonconforming status of 123 Waterview Road, Lancaster, VA 22503, Tax Map Number 12-19C, and its potential uses.

I have researched Tax Map Number 12-19C, and have discovered the following information:

1. Piney Island Seafood, Inc. purchased the property in August of 1959. Per the tax card, the cinderblock structure was built in 1959 and identified as an "oyster house." The corresponding paperwork is attached.
2. The property was used as a seafood processing facility, presumably beginning circa 1959, as evidenced by information provided as part of two (2) special exception applications submitted in January 1999 (see below #5).
3. The Lancaster County zoning ordinance was adopted June 1, 1975, and subsequently the property was zoned R-3, Residential, Medium. As of the date of this letter, the property is currently zoned R-3.
4. The property was subsequently purchased by Larry W. Terry & Shirley A. Terry in January of 1998. Terry obtained two (2) special exception permits in January of 1999 – a) to expand an existing non-conforming use (seafood processing plant) by expanding the boat mooring facilities from 5 wet slips to 9 wet slips; and, b) to place dredge spoils on the property. The County's memo states that Terry did not intend to change the existing use. The corresponding paperwork is attached.

5. The property is currently owned by Terry; but, it has ceased to be used as a seafood processing facility, per information provided by Mr. Garrett.


Therefore, there is sufficient evidence that the property and the existing structures were used as a seafood processing facility prior to the effective date of the adoption of the zoning ordinance. According to Article 12-1-3 – Nonconforming Uses, of the Lancaster County, VA, Land Development Code, the property qualifies as a commercial nonconforming use, with a specific exemption from the limitations for abandoned uses. The corresponding Nonconforming Uses ordinance is attached.

The current options for this property would include the following:

- A. Begin operating again as a seafood processing facility within the existing structure(s) (Article 12-1-3); or,
- B. Renovate or completely rebuild the “oyster house” as a private residence, subject to the redevelopment regulations of the County’s Chesapeake Bay Preservation Ordinance (CBP) – the corresponding CBP ordinance is attached; or,
- C. Develop the site to be used as any of the permitted uses listed in the County’s R-3 zoning district – the corresponding R-3 zoning ordinance is attached; or,
- D. Develop a new commercial use. This would only be allowed by obtaining a special exception permit from the Board of Supervisors (Article 12-1-5).

If you have any questions or concerns, please feel free to reach out to me.

Sincerely,



Olivia Hall, Director
Planning & Land Use Department
Office: 804-462-5081
Email: ohall@lancova.com

OLH/andp
w/ Enclosures

Map No. 12 19C TERRY LARRY W & SHIRLEY A
 Acct No. 1058 5609 S 8TH ST
 Rec No. 1058 Class 4 ARLINGTON VA
 Acreage .900 OYSTER HOUSE .90 AC 22204
 DB399/637 DB- 399 637
 WB-
 PB-

LANCASTER WHITE CHAPEL
 Assessed Value 1/01/2024
 Year 200000
 Land 62900
 Improvement 262900
 Total Value
 Type No. Acres Price Adj.% Value
 COMMERCIA .900 200000
 7874A21
 200000
 200000

Prt Date 3/26/2026

Front	Depth	Area	Unit	Depth Factor	Rate	Adj.%
Structural Value						
Value	Sketch	Total Land Value				
1		200000				

Structural Element		Value
Bldg.	3412.0 *	.00
Basem't		
Fin.Basem't		
Plumb		
Heat		
A/C		
F.P.		
Flue		
Blt.In		
Interior Impr.		
Additions		
A- I02	3412.0	

Dwl. No. 1
 Occupancy FAIR VALUE-COM
 No.Story 1.00
 Age 065 1959
 Cond. P
 Class. D
 Zoning R3
 No. Units
 Initials JC/NC
 At Home N 6/05/2023
 Neighborhood 2

Sec	Type	Cl	Str	Description	Area
AI02	D	1		N73.0E52.0S57.0W24.0S16.0W28.0	3412

IMPROVEMENT DESCRIPTION		Dw. No.	Rate	Cor	Size	Depr %	Total Value	% Chgd
Found.CINDERBLOCK		1	64500	G	430.0S	.10	58050	
Walls CONC BLK			25.0	F	20.0X	.60	1200	
Roof Type GABLE			25.0	F	20.0X	.60	1200	
Roofing TAR & GRAVEL			25.0	F	20.0X	.60	1200	
Interior			25.0	F	20.0X	.60	1200	
No. Rms. 1			25.0	F	20.0X	.60	1200	
Bd. Rms. 0								
No. Baths 0								
No. 1/2 Bath 2								
Walls CINDERB								
Floors CONCRET								
Heat SPACE HEAT								
Fireplace S-								
Flue S-								
Basem't NONE								
Garage NONE								
BLT.In Garage								
Site								
R/W PUBLIC								
Ease GRAVEL								
Terr. ON								
Char. LEVEL								
FRTS ON R/W OFFRT753								
150 FT BULKHEAD REFACED IN 1999								
ROOF FALLEN IN 2023								
OTHER IMPROVEMENTS								
BULKHEAD			64500	G	430.0S	.10	58050	
FINGER PIER			25.0	F	20.0X	.60	1200	
FINGER PIER			25.0	F	20.0X	.60	1200	
FINGER PIER			25.0	F	20.0X	.60	1200	
FINGER PIER			25.0	F	20.0X	.60	1200	
FINGER PIER			25.0	F	20.0X	.60	1200	
Subtotal								
Factor 100								
Phys Depr.%								
Func Depr.%								
Econ Depr.%								
Total Depr.								
Nb.Adj.%								
Total Bldg. Val.								
Comp.%								
Other Imp.								
Imp. Adj.								
Total Imp. Val.								
Total Land								
Total Prop. Val.								

FRTS ON R/W OFFRT753
 150 FT BULKHEAD REFACED IN 1999
 ROOF FALLEN IN 2023
 OTHER IMPROVEMENTS



COUNTY OF LANCASTER

FOUNDED 1651 IN VIRGINIA
LANCASTER COURTHOUSE
8311 MARY BALL ROAD
LANCASTER, VIRGINIA 22503

William H. Pennell, Jr.
County Administrator

804-462-5129
804-462-0031 (FAX)

BOARD OF SUPERVISORS
F. W. Jenkins, Jr., 1st District
Donald O. Conaway, 2nd District
H. Howard Whay, 3rd District
Lewis F. Conway, 4th District
B. Wally Beauchamp, 5th District

February 3, 1999

Mr. Larry W. Terry
5609 South 8th Street
Arlington, VA 22204

Dear Mr. Terry,

Please accept this letter as notification of the decision by the Lancaster County Board of Supervisors concerning your request for a special exception from the Lancaster County Zoning Ordinance in order to expand an existing non-conforming use (the former Piney Island Seafood Co.). Specifically, you requested approval to reconfigure and expand the boat mooring facilities at this site from the current total of 5 wetslips to a new total of 9 wetslips. This property is zoned R-3, Residential Medium, is described as tax map parcels 12-19C and 12-19D, and the hearing was held on January 28, 1999.

The Board of Supervisors approved the request for the special exception subject to the following conditions.

1. Applicant shall obtain all necessary permits from the Lancaster County Wetlands Board.
2. Applicant shall obtain all necessary permits from the Virginia Marine Resources Commission and all other applicable state agencies.
3. Applicant shall obtain all necessary permits from the U.S. Army Corps of Engineers.
4. Applicant shall obtain all necessary building, zoning and land disturbing permits from the Lancaster County Planning and Building Offices.

If you have any questions, please call me at (804) 462-5220.

Sincerely,

Patrick G. Frere
Director of Planning and Land Use

Certified Mail: Z 466-747-930

T.M. 12-19C/D
 Z 466 747 930
 US Postal Service

Mr. Larry W. Terry
 5609 South 8th Street
 Arlington, VA 22204

Postage	\$.33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark on Date	JAN 15 1999

Z 466 747 490

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to
 Mr. Larry W. Terry
 Street & Number
 5609 South 8th Street
 Post Office, State, & ZIP Code
 Arlington, VA 22204
 Postage \$.33
 Certified Fee \$ 1.40
 Special Delivery Fee
 Restricted Delivery Fee
 Return Receipt Showing to Whom & Date Delivered 1.25
 Return Receipt Showing to Whom, Date, & Addressee's Address
 TOTAL Postage & Fees \$ 2.98
 Postmark on Date
 JAN 15 1999

T.M. 12-19C/D

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
 Print your name and address on the reverse of this form so that we can return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Mr. Larry W. Terry
 5609 South 8th Street
 Arlington, VA 22204

4a. Article Number
 2 466 747 930

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
 2/8/99

5. Received By: (Print Name)
 Mr. Larry W. Terry

6. Signature: (Addressee or Agent)
 [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

T.M. 12-19C/D

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
 Print your name and address on the reverse of this form so that we can return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Mr. Larry W. Terry
 5609 South 8th Street
 Arlington, VA 22204

4a. Article Number
 2 466 747 931

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811 April 1995

Postage	.33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98

USPS 22503

Mr. Larry W. Terry
 5609 South 8th Street
 Arlington, VA 22204

US Postal Service
 Receipt for Certified Mail

Z 466 747 931

T.M. 12-19C/D



MEMORANDUM

Date: January 22, 1999
To: Board of Supervisors
From: Patrick G. Frere *P.G.F.*
Director of Planning and Land Use
Subject: Special Exception Request - Larry W. Terry
Docket: Public Hearing #2

Issue: Special Exception request for expansion of an existing nonconforming activity. Specifically, applicant wants to reconfigure and expand a boat mooring facility from 5 wetslips to 9 wetslips (total) at an existing, nonconforming seafood site. The property is described as tax map parcels 12-19C and 12-19D, is zoned R-3, Residential Medium, is the former home of Piney Island Seafood, and is located in Voting District #1.

Recommendation: Staff recommends approving the Special Exception request with the following conditions:

1. Applicant shall obtain all necessary permits from the Lancaster County Wetlands Board.
2. Applicant shall obtain all necessary permits from the Virginia Marine Resources Commission, *and all applicable state agencies*
3. Applicant shall obtain all necessary permits from the U.S. Army Corps of Engineers.
4. Applicant shall obtain all necessary building, zoning and land disturbing permits from the Lancaster County Planning and Building Offices.

Discussion:

The applicant, Mr. Larry W. Terry is requesting Special Exception approval in order to expand the number of mooring slips at his property from five, to a new total of nine. Currently the property is classified as a nonconforming seafood processing plant which has mooring facilities for up to five boats. The applicant has no plans to change the existing use; however, expanding the existing mooring to nine slips would first require special exception approval from the Board of Supervisors.

If approved, the expansion of the mooring facilities would also require some dredging of the adjacent water bottom. Furthermore, the applicant is also seeking approval from the County Wetlands Board, the VMRC, and the U.S. Army Corps of Engineers in order to replace existing bulkheads and to construct new bulkhead at this location. As part of this project, the applicant is proposing to dispose of any dredge spoils as fill material in back of the proposed bulkhead improvements (see public hearing #3). Attached are the applications and drawings detailing all of the proposed work.

Staff has reviewed the project and recommends approval of the requested special exception with the above listed conditions.



LANCASTER COUNTY, VIRGINIA

Department of Planning/Land Use

Application for Special Exception

COPY

Map Number: 12-19C119D Date: 11-20-98 BAYSHORE DESIGN

Applicant Name: LAIZZY M. TEIZZY

Address: 5609 SOUTH 8TH STREET. JAN 09 1999

City: DIZLINGTON State: VA Zip: RECEIVED

Home Phone: (703) 845-9409 Work Phone: ()

Property Location: END OF WATERVIEW ROAD - MORATTICA RIZED,

Acres/Sq. Footage: 0.90 Ac. Zoning District: 12-3

The undersigned owner of the above described property applied for a Special Exception to: DISPOSE DREDGE MATERIAL BEHIND PROPOSED TIMBER BULKHEAD.

as required by Section 7-1-20 of the Lancaster County Zoning Ordinance

Septic Permit # 7-9-59 #12 site plan Attached? [X] Yes () No

I affirm that the statements made in this application are correct. I understand that the activity for which application is made, must begin within SIX MONTHS following approval by the Lancaster County Board of Supervisors. Failure to initiate the aforementioned activity shall cause any approval to become null and void.

I further understand that all construction or uses subject to this permit will be performed as stated and as required in all ordinances of Lancaster County, Virginia and statutes of the Commonwealth of Virginia. I understand that failure to comply with any part or condition of an approved permit shall be sufficient cause to revoke that permit.

Signature of Applicant: [Signature]

FOR OFFICE USE ONLY: Received by: Patrick G. Fane Date Received: 12/8/98

Board of Supervisors Action: [] Approved [] Denied Conditional

Fee: \$100.00

Date of Board Action: []

Schedule for B.O.S. Meeting on 1/28/99 FEE: \$100.00

For Mary Lee C. Payne, Treas. Lancaster, Virginia 703-931-1000



LANCASTER COUNTY, VIRGINIA

Department of Planning/Land Use

Application for Special Exception

FILE COPY

Map Number: 17-192119D Date: 11-20-98

Applicant Name: LORELY M. TESZY

Address: 5809 SOUTH 8TH STREET

City: RYLAND state: VA Zip: 22704

Home Phone: (703) 845-9409 Work Phone: ()

Property Location: END OF WATERVIEW ROAD - MOUNTAIN AREA

Acres/Sq. Footage: 0.95 AC. Zoning District: R-3

The undersigned owner of the above described property applied for a Special Exception to: RECONFIGURE & EXPAND BOAT MAKING FACILITY FROM 5 WETSLIPS TO 9 WETSLIPS (TOTAL)

as required by Section 12-4-1 of the Lancaster County Zoning Ordinance

Septic Permit # 7-9-59 #12 Site Plan Attached? (X) Yes () No

I affirm that the statements made in this application are correct. I understand that the activity for which application is made, must begin within SIX MONTHS following approval by the Lancaster County Board of Supervisors. Failure to initiate the aforementioned activity shall cause any approval to become null and void.

I further understand that all construction or uses subject to this permit will be performed as stated and as required in all ordinances of Lancaster County, Virginia and statutes of the Commonwealth of Virginia. I understand that failure to comply with any part or condition of an approved permit shall be sufficient cause to revoke that permit.

Signature of Applicant: [Signature]

FOR OFFICE USE ONLY: Received by: Patrick G. France Date Received: 12/8/98

Board of Supervisors Action: () Approved () Denied Conditional

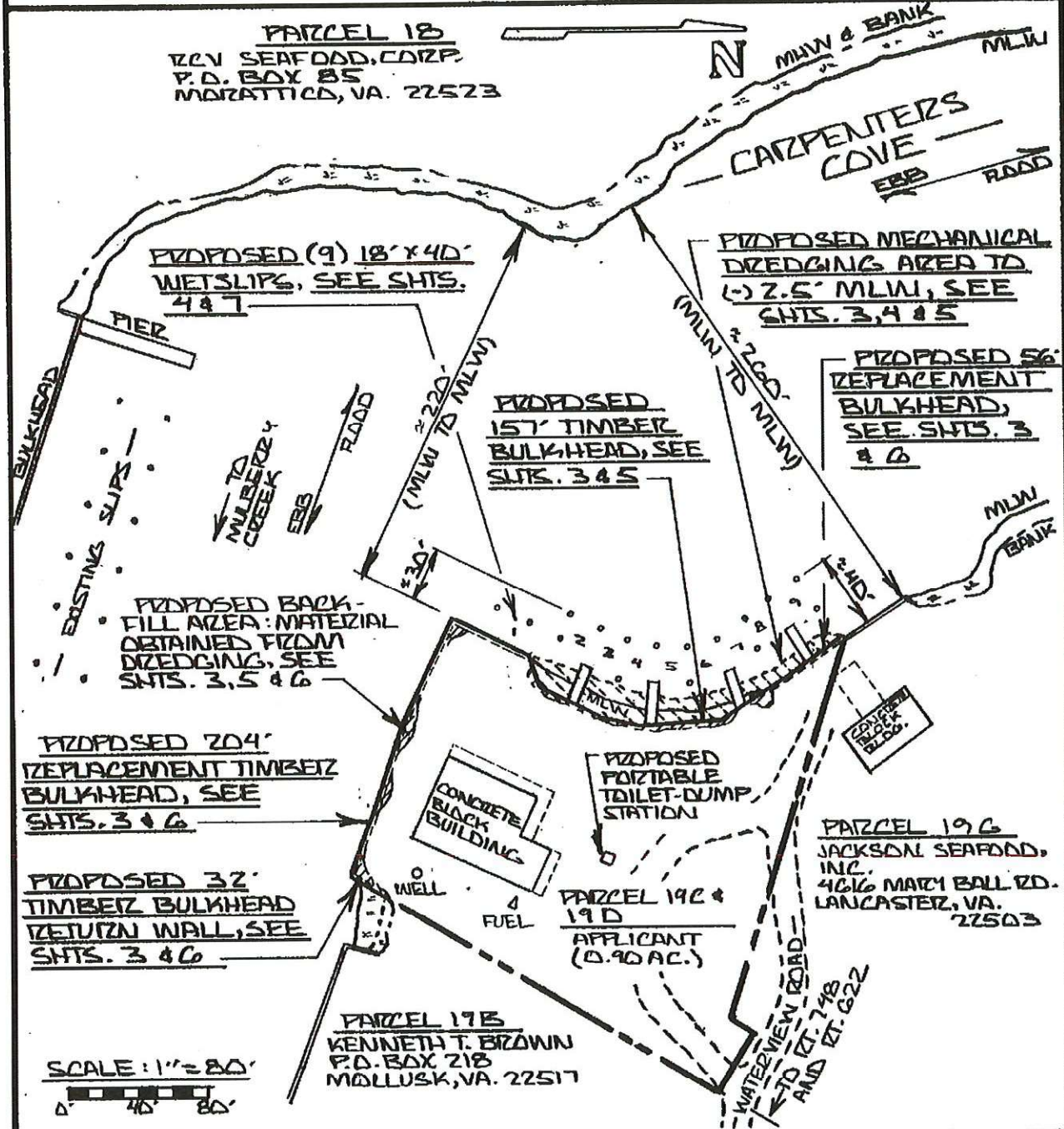
Date of Board Action: [Blank]

Form PLOAN LEE O. HAYBLE, Trans. SUPERVISOR, VIRGINIA Schedule for B.O.S. Meeting on 1/28/99 FEE: \$100.00

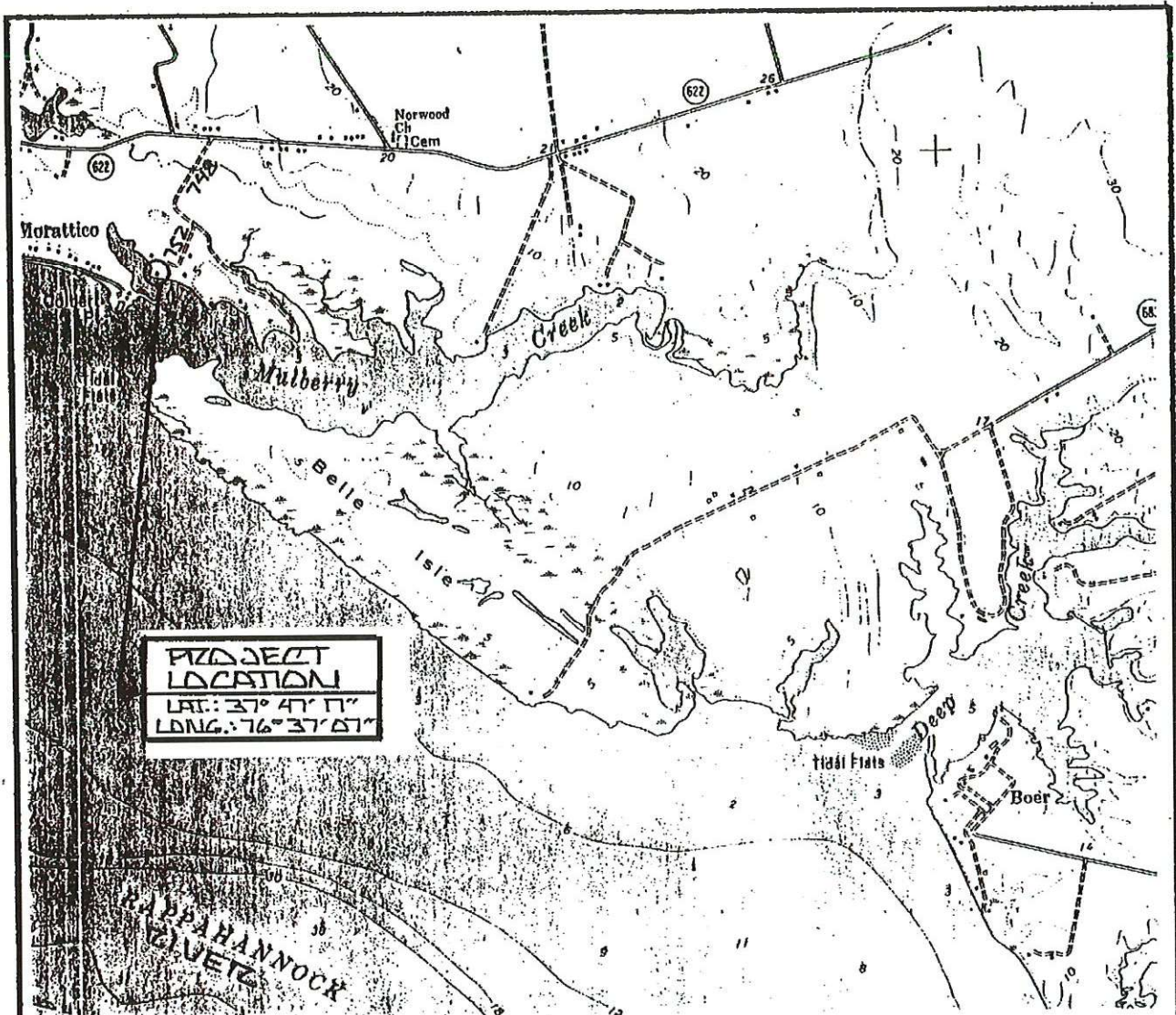
PAID 100.00 JAN 8 1999

PROPOSED COMMERCIAL WHARF IMPROVEMENTS LAZZY W. TEJZY

5609 SOUTH 8TH STREET ARLINGTON, VA. 22204



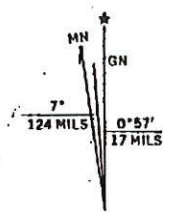
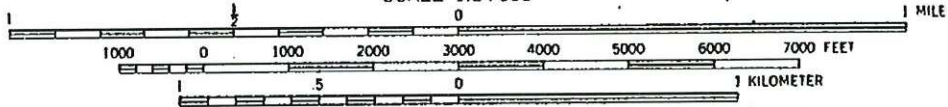
LOCATION: FORMERLY PINEY ISLAND SED. - PARCEL 19C & 19D - MORATTIC AREA, WHITE CHAPEL DIST. TAX MAP 12, LANCASTER CO., VA.
PURPOSE: PROTECT SHORELINE & IMPROVE SEAFOOD OPERATION
SHT. 1 OF 7 DATE: 11-20-98 **BAYSHORE DESIGN - KINSALE, VA.**



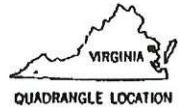
VICINITY MAP

LIVELY QUADRANGLE
 VIRGINIA
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 SE/4 MORATTICO 15' QUADRANGLE

SCALE 1:24 000



UTM GRID AND 1968 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

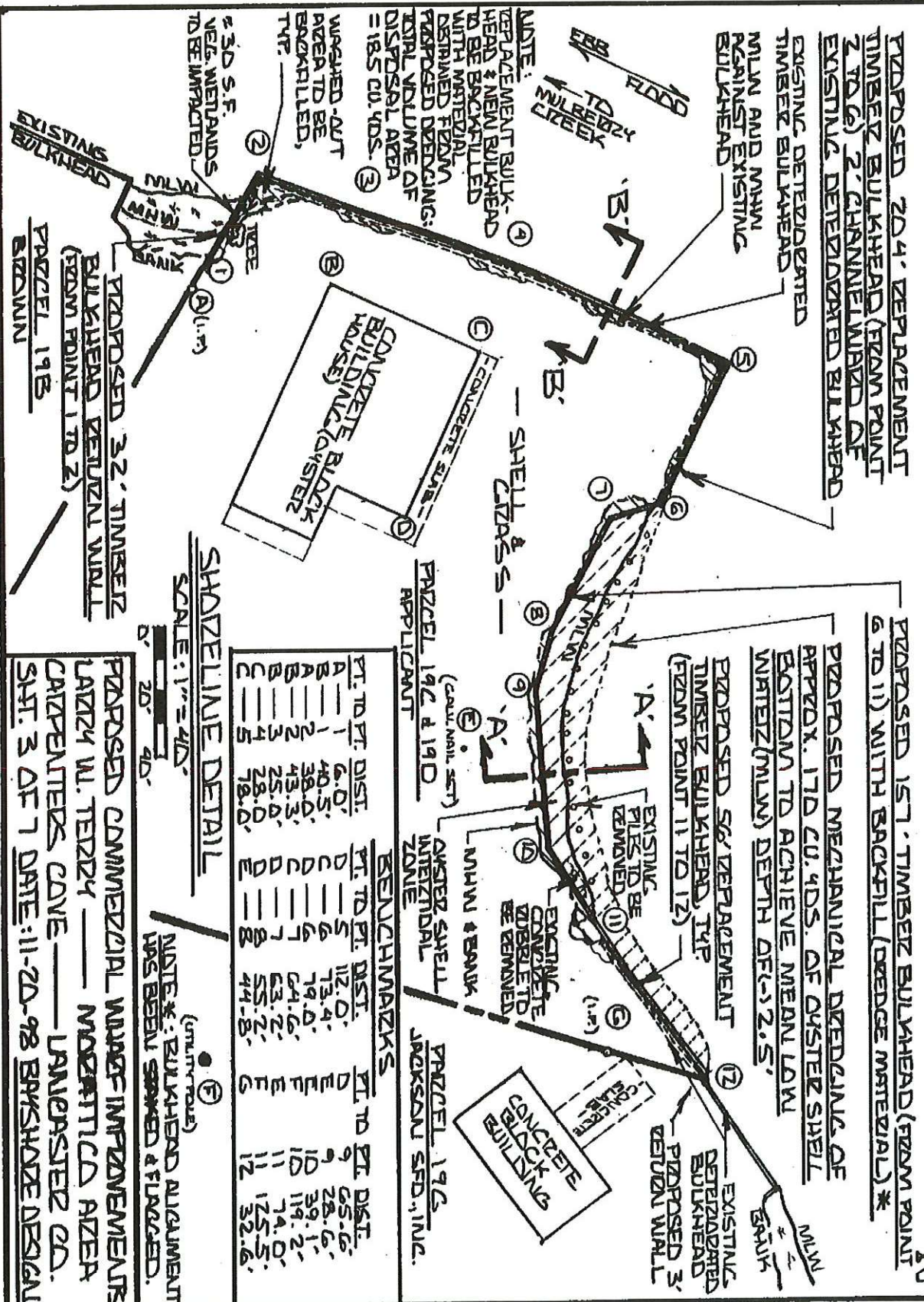


CONTOUR INTERVAL 10 FEET
 DOTTED LINES REPRESENT 5-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER
 SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 1.8 FEET
 THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

PROPOSED COMMERCIAL WHARF IMPROVEMENTS
 LAZY W. TETZY ——— MORATTICO AREA
 CARPENTERS COVE ——— LANCASTER CO.
 SHT. 2 OF 7 DATE: 11-20-98 BAYSHORE DESIGN

CARPENTERS COVE — EBS FLOOD



PROPOSED 157' TIMBER BULKHEAD (FROM POINT 6 TO 11) WITH BACKFILL (DREDGE MATERIAL) *

PROPOSED MECHANICAL DREDGING OF APPROX. 170 CU YDS. OF OYSTER SHELL BOTTOM TO ACHIEVE MEAN LOW WATER (MLW) DEPTH OF 2.5'.

PROPOSED 56' DEBRAGEMENT TIMBER BULKHEAD TRIP (FROM POINT 11 TO 12)

EXISTING DETERIORATED BULKHEAD PROPOSED 3' DEBRIMENT WALL

CONCRETE BULK BUILDING

FRAGEL 192 & 190 APPLICANT

OYSTER SHELL INTERZONAL ZONE

FRAGEL 193 JACKSON SFD, INC.

NOTE: DEBRAGEMENT BULK-HEAD & NEW BULKHEAD TO BE BACKFILLED WITH WASTEWATER DESTROYED FROM PROPOSED DREDGING: TOTAL VOLUME OF DISPOSAL AREA = 185 CU YDS.

WASTEWATER AREA TO BE BACKFILLED, TYP.

3.0 S.F. VEG. WETLANDS TO BE IMPACTED

PROPOSED 32' TIMBER BULKHEAD DEBRIMENT WALL (FROM POINT 1 TO 2)

FRAGEL 19B BIDDWIN

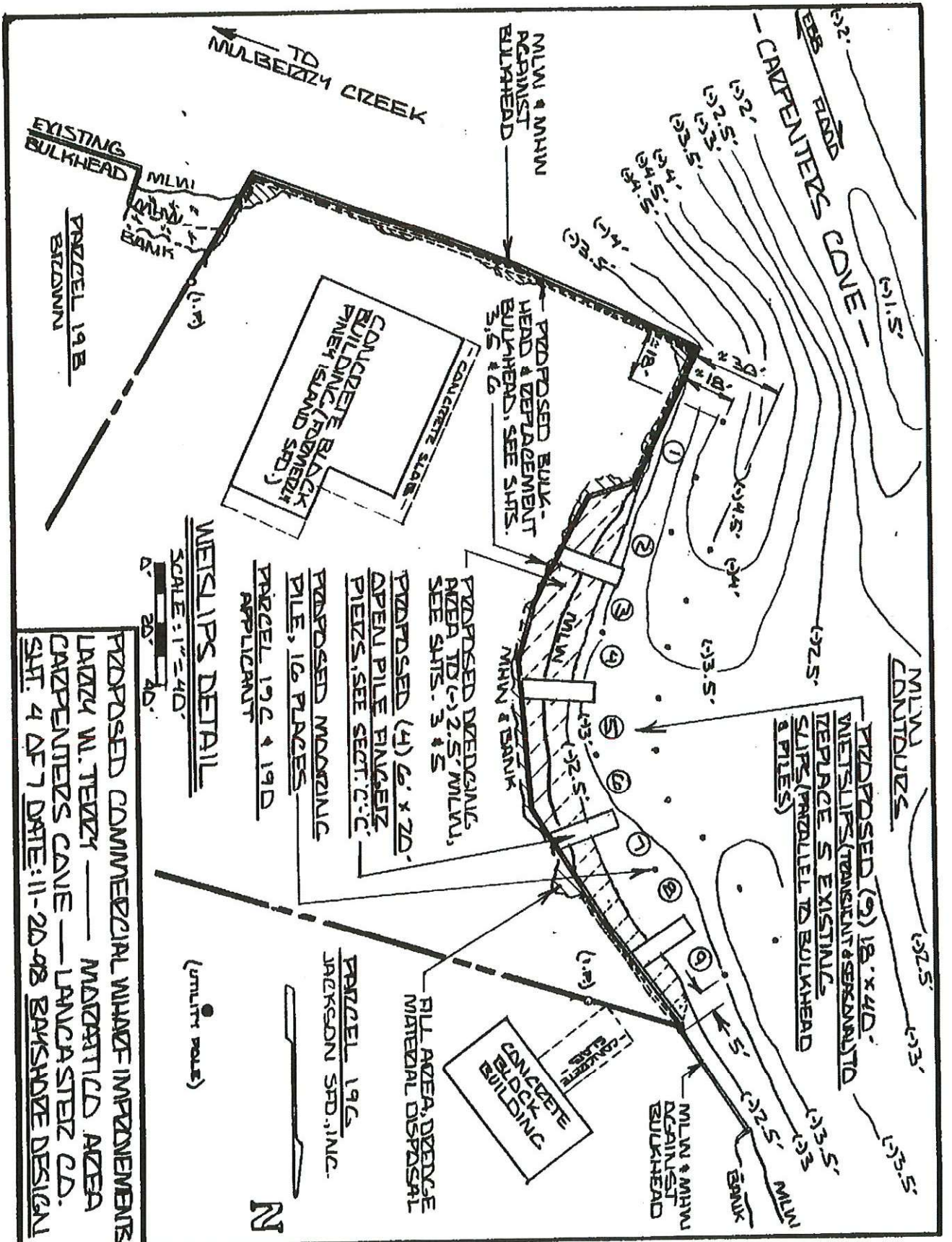
SHOULDER DETAIL

SCALE: 1" = 40'

NOTE: BULKHEAD ALIGNMENT WAS BEAM SPANNED & FLANGED.

PROPOSED COMMERCIAL WAREHOUSE IMPROVEMENTS LARRY W. TEDDY — MODERNIZED AREA CARPENTERS COVE — VANPASTER CO. SHIT. 3 OF 7 DATE: 11-20-98 EBS/SHOULDER DESIGN

PT. TO PT.	DIST.	PT. TO PT.	DIST.	PT. TO PT.	DIST.
A	1	6.0'	D	5	12.0'
B	2	40.5'	E	6	73.4'
B	3	38.0'	F	7	64.6'
B	4	43.3'	F	8	53.2'
C	5	25.0'	G	9	55.2'
C	6	28.0'	G	10	44.8'
C	7	19.0'	G	11	65.6'
C	8	18.0'	G	12	28.6'
C	9	19.0'	G	13	39.1'
C	10	25.0'	G	14	14.2'
C	11	28.0'	G	15	74.0'
C	12	19.0'	G	16	125.5'
C	13	18.0'	G	17	32.6'



WET SLIPS DETAIL

SCALE: 1" = 40'
 0' 20' 40'

PROPOSED COMMERCIAL WHARF IMPROVEMENTS
 LAUREY W. TERRY — MADRATIC CD AREA
 CARPENTERS COVE — LANCASTER CD.
 SH. 4 OF 7 DATE: 11-20-98 BAYSHORE DESIGN

PARCEL 19G
 JACKSON SFD., INC.

CONCRETE BLOCK BUILDING
 CONCRETE SLAB
 MLW & MHW AGAINST BULKHEAD

PROPOSED (9) 18' x 40' WET SLIPS (TRANSIENT & PERMANENT) REPLACE 5 EXISTING SLIPS (PARALLEL TO BULKHEAD & PILES)

PROPOSED (4) 6' x 20' OPEN PILE RANGERS PIECES, SEE SECT. C-C
 PROPOSED MORNING PILE, 16 PAGES
 PARCEL 19C & 19D APPLICATION

PROPOSED BULK-HEAD & DEPLEGMENT BULKHEAD, SEE SHTS. 3 & 6

CONCRETE BLOCK BUILDING (FORMERLY PINEY ISLAND SFD.)

EXISTING BULKHEAD
 PARCEL 19A
 BULKHEAD

TO MULBERRY CREEK

CARPENTERS COVE

MLW
 CONTOURS

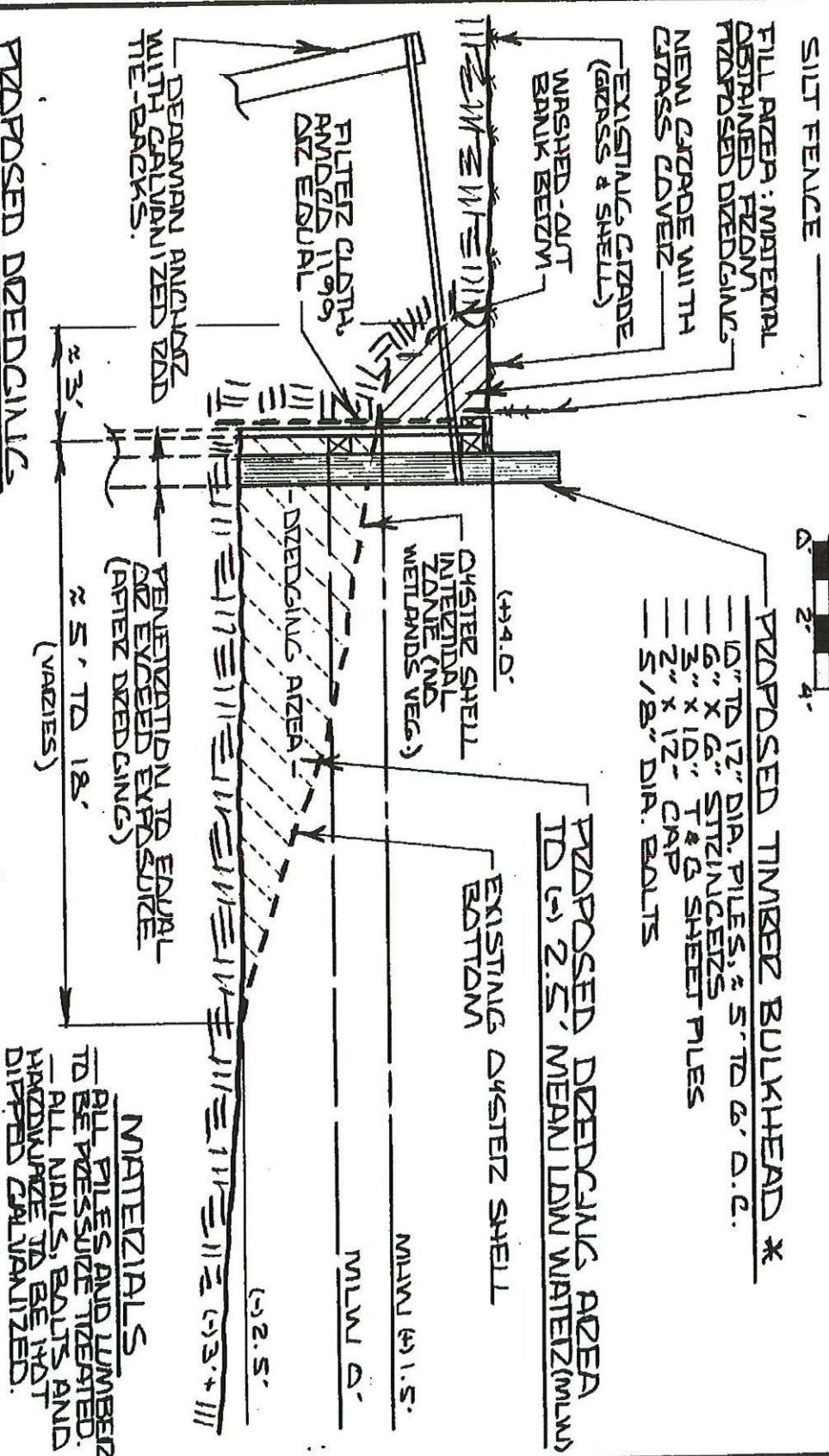
MLW & MHW AGAINST BULKHEAD

SECTION 'A'-A'

SCALE: 1/4" = 1'



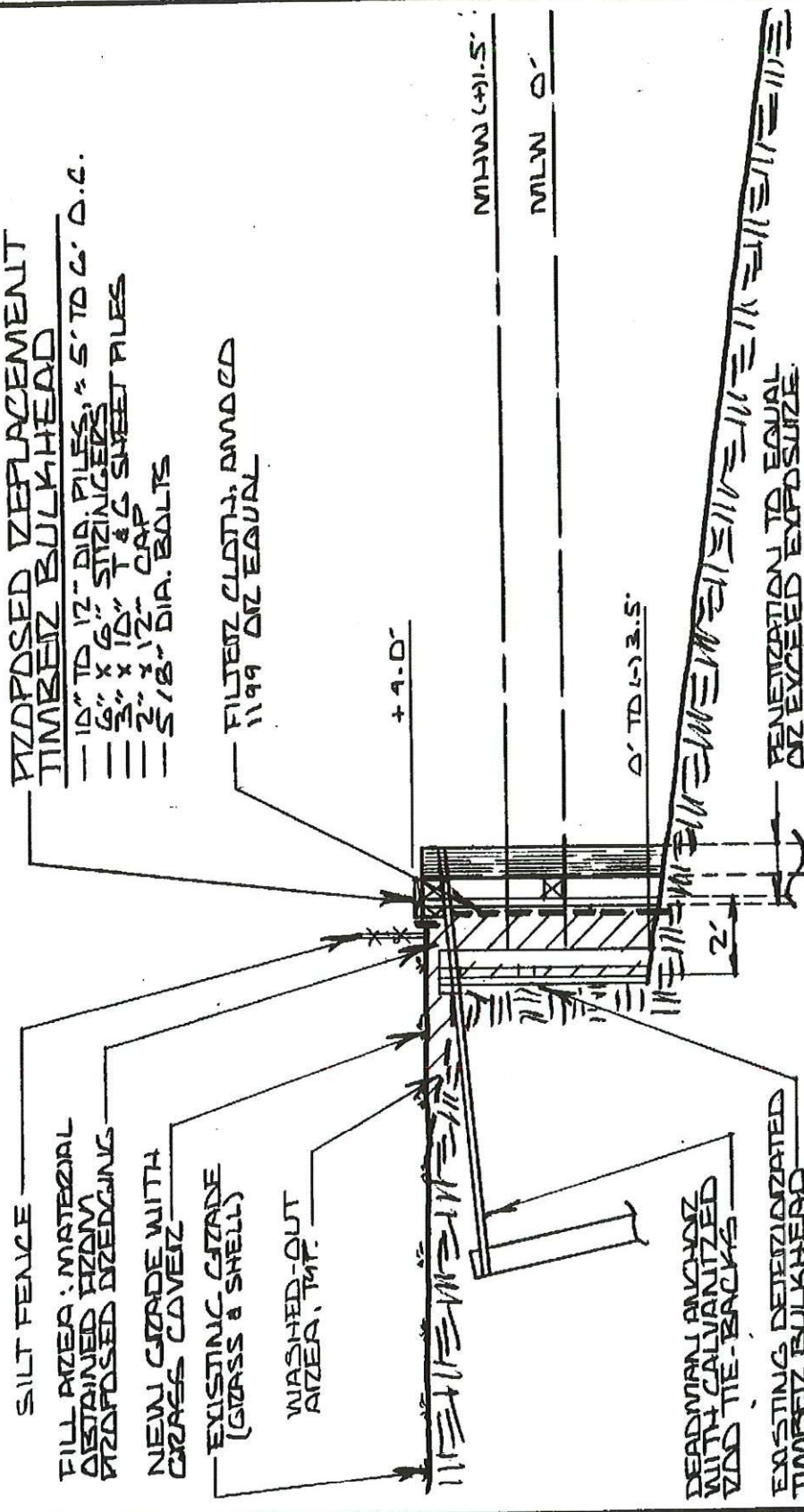
NOTE: BULKHEAD ALIGNMENT HAS BEEN STAKED AND FLAGGED



- PROPOSED DREDGINGS**
- TOTAL VOLUME OF MATERIAL TO BE DREDGED: 170 CU YDS.
 - MAX. DREDGE DEPTH: (-) 2.5' MLW
 - METHOD: MECHANICAL
 - MATERIAL: 90% OYSTER SHELL, 10% SAND & SILT
 - DISPOSAL SITE: DREDGE MATERIAL TO BE USED AS BACKFILL FOR PROPOSED BULKHEAD AND REPLACEMENT BULKHEAD.
 - TOTAL VOLUME OF DISPOSAL AREAS: 185 CU YDS.
- PROPOSED DREDGINGS AREA**
- PERMIT TO EXCAVATE AND EXPOSED (AFTER DREDGING)
- DEEDMAN ANCHORS WITH GALVANIZED ROD
- EXISTING OYSTER SHELL BOTTOM
- PROPOSED DREDGING AREA TO 2.5' MEAN LOW WATER (MLW)
- EXISTING GRADE (GRASS & SHELLS)
- WASHED-DIRT BANK BEYOND
- NEW GRADE WITH GRASS COVER
- FILTER CATCH AND 110% AIR EQUAL
- OYSTER SHELL INTERNAL ZONE (NO WETLANDS VEG.)
- DREDGING AREA
- PROPOSED TIMBER BULKHEAD *
- 10' TO 12' DIA. PILES, 5' TO 6' O.C.
 - 6' X 6' STRINGERS
 - 3' X 10' T & G SHEET PILES
 - 2' X 12' CAP
 - 5/8" DIA. BOLTS
- PROPOSED DREDGING AREA TO 2.5' MEAN LOW WATER (MLW)
- EXISTING OYSTER SHELL BOTTOM
- MLW @ 1.5'
- MLW @ 2.5'
- 3'
- 5' TO 18' (VARIES)
- DEEDMAN ANCHORS WITH GALVANIZED ROD
- PROPOSED DREDGINGS
- PROPOSED CONCRETE WALL IMPROVEMENTS
- LANDING AREA
- LANDCASTER CD.
- SHT. 5 OF 7 DATE: 11-20-98 BAYSHADE DESIGN
- MATERIALS**
- ALL PILES AND LUMBER TO BE PRESSURIZED TREATED.
- ALL NAILS, BOLTS AND HARDWARE TO BE HOT DIPPED GALVANIZED.

SECTION 'B-B'

SCALE: 1/4" = 1'



PROPOSED REPLACEMENT
TIMBER BULKHEAD
 - 10" TO 12" DIA. PILES, 5' TO 6' O.C.
 - 6" X 6" STRINGERS
 - 2" X 10" T & C SHEET PILES
 - 2" X 12" CAP
 - 5/8" DIA. BOLTS

FILTER CLOTH, DMD CD
1199 OR EQUAL

+ 1.0'

0' TO 1.5'

MLW (+1.5')

MLW 0'

PENETRATION TO EQUAL
OR EXCEED EXPOSURE

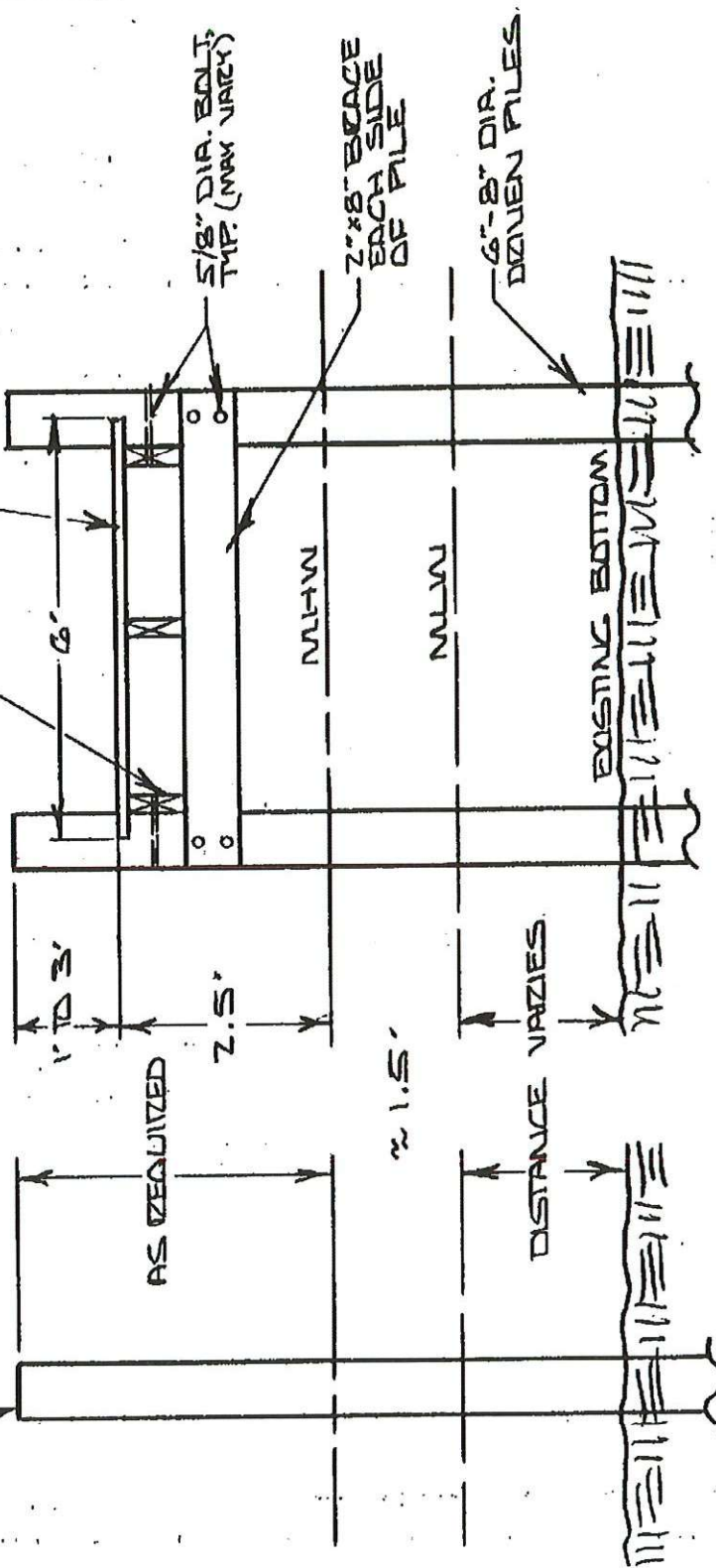
PROPOSED COMMERCIAL WHARF IMPROVEMENTS
LARRY W. TERRY — MARITIMO AREA
CONTRACTORS COVE — LANCASTER CO.
SHT. 6 OF 7 DATE: 11-20-98 BAYSHORE DESIGN

MATERIALS
 - ALL PILES AND LUMBER TO BE
 PRESSURE TREATED.
 - ALL NAILS, BOLTS AND HARDWARE
 TO BE HOT DIPPED GALVANIZED

2" x 8" STRONGERS, 3 PLACES

MOORING PILE, 16 PLACES

2" x 8" DECKING



5/8" DIA. BOLT
TYP. (MAY VARY)

2" x 8" BRACE
EACH SIDE
OF PILE

6" - 8" DIA.
DRIVEN PILES

EXISTING BOTTOM

SECTION C-C'

SCALE: 1/2" = 1'



MATERIALS

1. ALL PILES AND LUMBER TO BE PRESURE TREATED
2. ALL NAILS, BOLTS AND HARDWARE TO BE GALVANIZED

PROPOSED COMMERCIAL WHARF IMPROVEMENTS
 LAITZY W. TERRY — MATHEMATICAL ARTER
 CARPENTERS COVE — LANCASTER CO.
 SHEET 7 OF 7. DATE: 11-20-78 BAYSHORE DESIGN

Z 466 747 476

US Postal Service
Permit for Certified Mail

T. Kenneth Brown, et als
P.O. Box 218
Mollusk, VA 22517

PS Form 3800, April 1995

Postage	\$ 1.33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	2.98
Postmark or Date	APR 15 1995

US Postal Service
Receipt for Certified Mail

Z 466 747 477

E.M. Jackson, Edward P. Jackson,
and Ruth J. Ash
4616 Mary Ball Road
Lancaster, VA 22503

PS Form 3800, April 1995

Postage	\$.33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	2.98
Postmark or Date	APR 15 1995

is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
 Print your name and address on the reverse of this form so that we can return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

T. Kenneth Brown, et als
P.O. Box 218
Mollusk, VA 22517

5. Received By: (Print Name)

6. Signature (Addressee or Agent)
X Helen Dwork

PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

4a. Article Number

Z 466-747-476

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

1-12-99

8. Addressee's Address (Only if requested and fee is paid)

102595-97-9-0179

Domestic Return Receipt

Thank you for using Return Receipt Service

is your RETURN completed on the reverse side?

SENDER:
 Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
 Print your name and address on the reverse of this form so that we can return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

E.M. Jackson, Edward P. Jackson,
and Ruth J. Ash
4616 Mary Ball Road
Lancaster, VA 22503

5. Received By: (Print Name)

6. Signature (Addressee or Agent)
X Edward P. Jackson

PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

4a. Article Number

Z 466-747-477

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

1-22-99

8. Addressee's Address (Only if requested and fee is paid)

102595-97-9-0179

Domestic Return Receipt

Thank you for using Return Receipt Service



ADJACENT PROPERTY OWNER'S ACKNOWLEDGMENT FORM

I, DAVID W. PARKS, am the property owner whose land is adjacent to, across from or nearby the land of LARRY W. TERIZY. I have reviewed the applicant's project drawings, dated 11-20-98, to be submitted for all necessary local, state and federal permits.

- I HAVE NO COMMENT concerning the proposed project.
- I DO NOT OBJECT to the project as proposed.
- I DO OBJECT to the project as proposed.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, please be sure you have checked one of the lines above.)

Roger Parks David Parks

ADJACENT PROPERTY OWNER'S SIGNATURE

1-3-99

DATE:

NOTE: If you object to this project, specific objections should be made in writing and returned with this form. An objection will not necessarily result in denial of the project, but valid complaints will be given full consideration during the permit review process.

This form must be returned within two (2) weeks from the date of receipt. If not returned, it will be assumed that you have no objections to the project as proposed. If this form is not returned, you may be contacted by the U.S. Army Corps of Engineers or the Virginia Marine Resources Commission.

BAYSHORE DESIGN P.O. BOX 339 KINGALE, VA. 22488
PH: 804 / 472- 4439 FAX: 804 / 472-3036

ADJACENT PROPERTY OWNER'S ACKNOWLEDGMENT FORM

I, R.C.V. SFD., CORP., am the property owner whose land is adjacent to, across from or nearby the land of LARRY W. JERZY. I have reviewed the applicant's project drawings, dated 11-20-98, to be submitted for all necessary local, state and federal permits.

- I HAVE NO COMMENT concerning the proposed project.
 I DO NOT OBJECT to the project as proposed.
 I DO OBJECT to the project as proposed.

BAYSHORE DESIGN

DEC 12 1998

RECEIVED

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, please be sure you have checked one of the lines above.)

R C V SEAFOOD CORP.
BY: W. F. Conley, Jr. PRESIDENT
ADJACENT PROPERTY OWNER'S SIGNATURE

12-11-98
DATE:

NOTE: If you object to this project, specific objections should be made in writing and returned with this form. An objection will not necessarily result in denial of the project, but valid complaints will be given full consideration during the permit review process.

This form must be returned within two (2) weeks from the date of receipt. If not returned, it will be assumed that you have no objections to the project as proposed. If this form is not returned, you may be contacted by the U.S. Army Corps of Engineers or the Virginia Marine Resources Commission.

BAYSHORE DESIGN P.O. BOX 339 KINGSALE, VA. 22488

PH: 804 / 472- 4439 FAX: 804 / 472-3036

ADJACENT PROPERTY OWNER'S ACKNOWLEDGMENT FORM

I, KENNETH T. BROWN, am the property owner whose land is adjacent to, across from or nearby the land of LARRY W. TEIZZY. I have reviewed the applicant's project drawings, dated 11-20-98, to be submitted for all necessary local, state and federal permits.

- I HAVE NO COMMENT concerning the proposed project.
 I DO NOT OBJECT to the project as proposed.
 I DO OBJECT to the project as proposed.

BAYSHORE DESIGN

DEC 12 1998

RECEIVED

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, please be sure you have checked one of the lines above.)

Thomas K. Brown

ADJACENT PROPERTY OWNER'S SIGNATURE

12/11/98

DATE:

NOTE: If you object to this project, specific objections should be made in writing and returned with this form. An objection will not necessarily result in denial of the project, but valid complaints will be given full consideration during the permit review process.

This form must be returned within two (2) weeks from the date of receipt. If not returned, it will be assumed that you have no objections to the project as proposed. If this form is not returned, you may be contacted by the U.S. Army Corps of Engineers or the Virginia Marine Resources Commission.

BAYSHORE DESIGN P.O. BOX 339 KINSALE, VA. 22488

PH: 804 / 472- 4439 FAX: 804 / 472-3036



William H. Pennell, Jr.
County Administrator

FILE NO. 1
COUNTY OF LANCASTER

FOUNDED 1651 IN VIRGINIA
LANCASTER COURTHOUSE
8311 MARY BALL ROAD
LANCASTER, VIRGINIA 22503

804-462-5129
804-462-0031 (FAX)

BOARD OF SUPERVISORS
F. W. Jenkins, Jr., 1st District
Donald O. Conaway, 2nd District
H. Howard Whay, 3rd District
Lewis F. Conway, 4th District
B. Wally Beauchamp, 5th District

February 3, 1999

Mr. Larry W. Terry
5609 South 8th Street
Arlington, VA 22204

Dear Mr. Terry,

Please accept this letter as notification of the decision of the Lancaster County Board of Supervisors concerning your request for a special exception in order to place dredged spoils on property zoned R-3, Residential Medium. The property is described as tax map parcels 12-19C and 12-19D (location of the former Piney Island Seafood Co.) and the hearing was held on January 28, 1999.

The Board of Supervisors approved the request for the special exception subject to the following conditions.

1. Applicant shall obtain all necessary permits from the Lancaster County Wetlands Board.
2. Applicant shall obtain all necessary permits from the Virginia Marine Resources Commission and all other applicable state agencies.
3. Applicant shall obtain all necessary permits from the U.S. Army Corps of Engineers.
4. Applicant shall obtain all necessary building, zoning and land disturbing permits from the Lancaster County Planning and Building Offices.

If you have any questions, please call me at (804) 462-5220.

Sincerely,

Patrick G. Frere
Director of Planning and Land Use

Certified Mail: Z 466-747-931



MEMORANDUM

Date: January 22, 1999
To: Board of Supervisors Members
From: Patrick G. Frere *P.G.F.*
Planning Director
Docket: Public Hearing #3

Issue: Request by Mr. Larry W. Terry for a special exception in order to allow for the placement of dredged spoil material on property zoned R-3, Residential Medium. The property is described as tax map parcels 12-19C and 12-19D, is the former home of Piney Island Seafood, and is located in Voting District #1.

Recommendation: Staff recommends approval of the Special Exception with the following conditions:

1. Applicant shall obtain all necessary permits from the Lancaster County Wetlands Board.
2. Applicant shall obtain all necessary permits from the Virginia Marine Resources Commission.
3. Applicant shall obtain all necessary permits from the U.S. Army Corps of Engineers.
4. Applicant shall obtain all necessary building, zoning and land disturbing permits from the Lancaster County Planning and Building Offices.

Discussion: None



LANCASTER COUNTY, VIRGINIA

FILE COPY

Department of Planning/Land Use
Application for Special Exception

Map Number: 12-19C119D Date: 11-20-98

Applicant Name: LARRY M. TERZY

Address: 5809 SOUTH 8TH STREET

City: ROSLINDEN State: VA Zip: 22204

Home Phone: (703) 845-9409 Work Phone: ()

Property Location: END OF WATERVIEW ROAD - MORATTICA
PIZZA,

Acres/Sq. Footage 0.90 AC. Zoning District: RZ-3

The undersigned owner of the above described property applied for a
Special Exception to: DISPOSE DREDGE MATERIAL BEHIND
PROPOSED TIMBER BULKHEAD.

as required by Section 7-1-20 of the Lancaster
County Zoning Ordinance

Septic Permit # 7-9-59 #12 site plan Attached? Yes () No

I affirm that the statements made in this application are correct. I
understand that the activity for which application is made, must begin within
SIX MONTHS following approval by the Lancaster County Board of Supervisors.
Failure to initiate the aforementioned activity shall cause any approval to
become null and void.

I further understand that all construction or use subject to this permit will
be performed as stated and as required in all ordinances of Lancaster County,
Virginia and statutes of the Commonwealth of Virginia. I understand that
failure to comply with any part or condition of an approved permit shall be
sufficient cause to revoke that permit.

Signature of Applicant: X

FOR OFFICE USE ONLY
Received by: Patricia G. Frier Date Received: 12/8/98

Board of Supervisors Action: () Approved () Denied Conditional _____

Date of Board Action: _____

PAID
100.00
JAN 8 1999
ANN ROBEY C. HAYNIE, TREAS.
LANCASTER COUNTY, VIRGINIA
(804-933-2200)

Schedule for
B.O.S. Meeting on 1/28/99

FEE: \$100.00



LANCASTER COUNTY, VIRGINIA

Department of Planning/Land Use

Application for Special Exception

COPY

Map Number: 12-19C119D Date: 11-20-78

Applicant Name: LAZIZY M. TEJIZY

Address: 5609 5849 SOUTH 8TH STREET

City: WILMINGTON State: VA Zip: 22704

Home Phone: (703) 845-7409 Work Phone: ()

BAYSHORE DESIGN

Property Location: END OF WATERVIEW ROAD - NORTHEAST

JAN 09 1999

AREA:

Acres/Sq. Footage 0.90 Ac. Zoning District: **RECEIVED**

The undersigned owner of the above described property applied for a Special Exception to: RECONFIGURE & EXPAND BOAT MOORING FACILITY FROM 5 WETSLIPS TO 9 WETSLIPS (TOTAL)

as required by Section 12-4-1 of the Lancaster County Zoning Ordinance

Septic Permit # 7-9-59 012 Site Plan Attached? Yes No

I affirm that the statements made in this application are correct. I understand that the activity for which application is made, must begin within SIX MONTHS following approval by the Lancaster County Board of Supervisors. Failure to initiate the aforementioned activity shall cause any approval to become null and void.

I further understand that all construction or work subject to this permit will be performed as stated and as required in all ordinances of Lancaster County, Virginia and statutes of the Commonwealth of Virginia. I understand that failure to comply with any part or condition of an approved permit shall be sufficient cause to revoke that permit.

Signature of Applicant: (Signature)

FOR OFFICE USE ONLY
Received by: Patricia Greene Date Received: 12/8/98

Board of Supervisors Action: Approved Denied Conditional

Date of Board Action: _____

Fee: \$100.00

Schedule for B.O.S. Meeting on 1/28/99

AMY LEE G. HAYNE, Trustee
LANCASTER COUNTY, VIRGINIA
(703-845-7099)

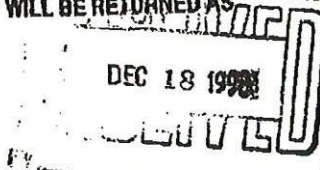
LARRY TERRY
U.M.I.C. # 98-2121

* REVISED 12-18-98
- CONVERT DREDGE MATERIAL CALC.
FROM SQ. FT. TO CU. YDS.

APPENDIX J - DREDGING/MINING/EXCAVATING

ADDITIONAL INFO
REVISION

PLEASE COMPLETE THE CHECKLIST AND ANSWER THE QUESTIONS ON THE DRAWINGS
MUST CONTAIN THE FOLLOWING INFORMATION OR THEY WILL BE RETURNED AS
INCOMPLETE:



Plan View Drawing

- north arrow
- waterway name
- existing structures
- width of the waterway, measuring from mean high water to mean high water (tidal) or ordinary high water to ordinary high water (nontidal)
- ebb and flood (tidal) or direction of flow (nontidal)
- location and dimensions of area proposed to be dredged
- benchmarks showing distances to fixed points of reference
- mean low water and mean high water lines (tidal), or ordinary high water line (nontidal)
- location and aerial extent of vegetated wetlands at the project site
- shoreline, property lines, and location of adjacent property owners
- location of existing channels
- location of dredged material disposal area if located on-site**
- location and dimensions of buffer zone between dredge cut and vegetated wetlands
- existing depths in the project area based on mean low water (tidal) or ordinary high water (nontidal)

Cross Section Drawing for Dredge Area

- existing contours of the bottom
- dredge cut - slopes, average depth, bottom & top width
- existing depths based on mean low water (tidal)
- existing depths based on ordinary high water (nontidal)
- proposed project depths (after dredging)

Cross Section Drawing for Disposal Area

- proposed berms
- proposed spillways
- ponding depth of dredged material

(SEE BULKHEAD SECTION)
VIEWS

Vicinity Map The name of the map from which the vicinity map was taken and the exact location of the project site must be included (U.S.G.S. quad sheet, street map, or county map is preferred).

**For off-site disposal areas provide a drawing that includes the location, dimensions, benchmarks, berms and/or spillways, and how the material will be transported.

* 1. How many cubic yards of material will be dredged by/from:

	NEW			
	Hydraulic	Dragline	Cleanshell	Other
Vegetated Wetlands				0
Non-Veg. Wetlands				105
Subaqueous Bank				65
Total				170

	MAINTENANCE			
	Hydraulic	Dragline	Cleanshell	Other

2. State the composition of the material (e.g. clay 25%, sand 25%, silt 50%): 90% OYSTER SHELL; 10% SAND
3. How will the dredged material be retained to prevent re-entry into the waterway? BULKHEAD
4. Will the dredged material be used for any commercial purpose? Yes No
5. For mining projects: a. Explain the operation plans on a separate sheet of paper. e.g. frequency (e.g. every 6 wks), duration (Apr - Sep), cubic yards to be removed per operation, temporary storage, handling of dredged material, how equipment will access the dredge site.
b. have you applied for a permit from the VA Dept of Mines, Minerals, & Energy? Yes No
6. What is the approximate drainage area and average stream flow? 0.7 square miles N/A cfs
7. If maintenance dredging, when was dredging last performed? _____ (provide documentation).

THE DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIRES APPLICANTS TO SUBMIT
THE ADDENDUM LOCATED AT THE END OF THIS APPLICATION

ARTICLE 12. NONCONFORMING USES

12-1. Continuation of existing uses.

12-1-1. All legal activities and uses existing on the effective date of this ordinance may be continued and expanded as herein provided.

12-1-2. If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

12-1-3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of the ordinance. For the purposes of this section, such seasonal and temporary uses as crop farming, aquaculture, oyster houses, oyster shucking houses, crab houses, fish and food processing activities and sawmills shall be exempted.

12-1-4. Whenever a nonconforming structure, lot or activity, has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.

12-1-5. The expiration (*believe this is a typo and was intended say "expansion"*) or creation of commercial uses and activities in nonconforming commercial structures erected prior to 1975 may be permitted by the issuance of a special exception.

(Ord. of 7-25-91; Ord. of 6-94; Ord. of 9-28-17(2))

12-2. Permits.

12-2-1. All nonconforming uses shall be identified and catalogued, and zoning permits and certificates of occupancy shall be issued by the zoning administrator within one year after the adoption of this ordinance.

12-2-2. The construction or use of a nonconforming building for which a building permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within two years, after the effective date of this ordinance.

(Ord. of 9-28-17(2))

12-3. Changes in district boundaries.

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

(Ord. of 9-28-17(2))

12-4. Expansion or enlargement of existing nonconforming uses.

12-4-1. The expansion or enlargement of an existing nonconforming structure or activity on property occupied on the effective date of this ordinance is permitted in accordance with the setback, yard and height regulations of the zoning district concerned, with a special exception. This provision shall not apply to signs.

12-4-2. The expansion or creation of commercial uses and activities in nonconforming commercial structures erected prior to 1975 may be permitted with a special exception.

(Ord. of 12-4-92; Ord. of 6-30-94; Ord. of 9-28-17(2))

12-5. Nonconforming unimproved lots.

Notwithstanding any other provision of this ordinance, any unimproved lot legally of record in this county on the effective date of this ordinance may be used for residential purposes if the building to be constructed on the same shall be placed so as to meet the setback, side and rear yard lines established by this ordinance or other legal act of the board of supervisors, and subject to approval of the health official.

Where any such unimproved lot cannot meet the setback, side and rear yard lines herein established, the board of zoning appeals may consider each lot on an individual basis and may grant such variance as may be required to permit the use of such lot for residential purposes, subject to approval of the health official.

(Ord. of 9-28-17(2))

12-6. Nonconforming junkyards.

Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. Within one year after the adoption of this ordinance they shall be completely screened on any side open to view from a public road by a masonry wall, by a uniformly painted solid fence, or an evergreen hedge six feet in height.

(Ord. of 9-28-17(2))

ARTICLE 12. NONCONFORMING USES

12-1. Continuation of existing uses.

12-1-1. All legal activities and uses existing on the effective date of this ordinance may be continued and expanded as herein provided.

12-1-2. If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

12-1-3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of the ordinance. For the purposes of this section, such seasonal and temporary uses as crop farming, aquaculture, oyster houses, oyster shucking houses, crab houses, fish and food processing activities and sawmills shall be exempted.

12-1-4. Whenever a nonconforming structure, lot or activity, has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.

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(Ord. of 7-25-91; Ord. of 6-94; Ord. of 9-28-17(2))

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(Ord. of 9-28-17(2))

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(Ord. of 9-28-17(2))

12-6. Nonconforming junkyards.

Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. Within one year after the adoption of this ordinance they shall be completely screened on any side open to view from a public road by a masonry wall, by a uniformly painted solid fence, or an evergreen hedge six feet in height.

(Ord. of 9-28-17(2))

ARTICLE 7. RESIDENTIAL, MEDIUM GENERAL, DISTRICT R-3

Statement of Intent

Residential district R-3 is designed for and encompasses medium-density residential areas, as well as certain compatible public, semipublic, and very limited commercial land uses. This district should provide a suitable environment for persons desiring the amenities and convenience of being closest to shopping and employment centers and other community facilities.

(Ord. of 10-27-16(3))

7-1. Use regulations.

Only one building and its accessory buildings may be erected on any lot or parcel of land in residential district R-3. Structures to be erected or land to be used shall be for the following uses:

- 7-1-1. Single-family dwellings.
- 7-1-2. Two-family dwellings.
- 7-1-3. (Repealed 7-25-24.)
- 7-1-4. Schools.
- 7-1-5. Churches.
- 7-1-6. Playgrounds.
- 7-1-7. Professional offices, with a limit of one unit and four workers per lot, with a special exception.
- 7-1-8. Professional office complex, with a special exception.
- 7-1-9. Home occupations.
- 7-1-10. Off-street parking as required by this ordinance.
- 7-1-11. County-sanctioned public facilities.
- 7-1-12. Crab shedding facility.
- 7-1-13. Boat pier, private. (Ord. of 2-94)
- 7-1-14. Accessory buildings. (Ord. of 4-95)
- 7-1-15. Public utility booster or relay stations, transformer substations, distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, associated with structures permitted in this district with a special exception.
- 7-1-16. Post offices, with a special exception.
- 7-1-17. Boat ramp, private.
- 7-1-18. Major recreational equipment in accordance with article 19 of this ordinance.
- 7-1-19. Community pier, with a special exception.
- 7-1-20. Disposal of dredge spoil, with a special exception.
- 7-1-21. Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)

7-1-22. Service provider installation of single-pole high-speed data communication antennas less than 100 feet in total height with main structure setbacks. Poles not meeting these criteria, with a special exception.

7-1-23. Agriculture, but with a special exception for animal and poultry husbandry on a commercial basis.

7-1-24. Short-term rental, hosted.

7-1-25. Short-term rental, unhosted with a special exception.

(Ord. of 12-4-92; Ord. of 3-25-93; Ord. of 4-29-93; Ord. of 1-25-96(1); Ord. of 5-28-98; Ord. of 12-16-13; Ord. of 10-27-16(3); Ord. of 7-25-2024(6))

7-2. Area regulations.

7-2-1. For lots containing or intended to contain a permitted use served by neither public water or public sewer systems, the minimum lot area shall be 25,000 square feet.

7-2-2. For lots containing or intended to contain a permitted use served by public water or sewage disposal systems, the minimum lot area shall be 12,000 square feet.

7-2-3. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator, with the approval of the board of supervisors, may require a greater area if considered necessary by the health official. Conditional septic disposal system permits which limit the use of the subject property to a specified portion of the year are hereby strictly prohibited.

(Ord. of 8-94; Ord. of 10-27-16(3))

7-3. Setback regulations.

Structures shall be located 50 feet or more from the centerline of any street or road right-of-way, but in no event less than 25 feet from the edge of the right-of-way. However, no building needs to be set back more than the average of the setback of the two adjacent structures on either side unless so required by the administrator.

This shall be known as the "setback line."

(Ord. of 10-27-16(3))

7-4. Frontage regulations.

7-4-1. For lots containing or intended to contain a permitted use served by neither public water or public sewer, the minimum lot width at the setback line shall be 100 feet.

7-4-2. For lots containing or intended to contain a permitted use served by public water or sewage disposal systems, the minimum lot width at the setback line shall be 75 feet.

(Ord. of 10-27-16(3))

7-5. Yard regulations.

7-5-1. Side. For lots containing or intended to contain a permitted use served by neither public water or public sewer, the minimum side yard for main structures and accessory structures exceeding one-story shall be 20 feet. The minimum side yard for one-story accessory structures shall be five feet. Accessory structures

located closer than five feet to the main building are considered part of the main structure. Accessory structures may be attached to the main structure by walkways, decks, patios, and steps.

7-5-2. Rear. Each main structure and accessory structures exceeding one-story shall have a minimum rear yard of 25 feet. The minimum rear yard for one-story accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure. Accessory structures may be attached to the main structure by walkways, decks, patios, and steps.

(Ord. of 12-4-92; Ord. of 4-95; Ord. of 10-27-16(3); Ord. of 7-25-2024(6))

7-6. Height regulations.

7-6-1. Buildings may be erected up to three stories, or 35 feet in height from grade.

7-6-2. A public or semipublic building such as a school, church, or library may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

7-6-3. Church spires, belfries, cupolas, agricultural buildings, municipal water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(Ord. of 10-27-16(3))

7-7. Special provisions for corner lots.

7-7-1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

7-7-2. The side yard on the side facing the side street shall be 25 feet or more for both main and accessory building.

7-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have minimum width at the setback line of 100 feet.

(Ord. of 10-27-16(3))

7-8. Sign regulations.

Sign regulations shall conform to article 11 of this ordinance.

(Ord. of 10-27-16(3); Ord. of 7-25-2024(6))

PART IV CHESAPEAKE BAY PRESERVATION¹

CHESAPEAKE BAY PRESERVATION

Be it ordained by the Board of Supervisors of the County of Lancaster, Virginia:

Statement of Intent

The Chesapeake Bay and its tributaries are one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Lancaster County and the Commonwealth of Virginia. The health of the bay is vital to maintaining Lancaster County's economy and the welfare of its citizens.

The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including non-point source pollution from land uses and development. Existing high-quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the board of supervisors as Chesapeake Bay Preservation Areas (CBPAs), need to be protected from destruction and damage in order to protect the quality of water in the bay and consequently the quality of life in Lancaster County and the Commonwealth of Virginia.

It is the intent and purpose of this article to support the goals and objective of the Chesapeake Bay Preservation Act and the Lancaster County comprehensive plan by protecting and improving the water quality of the Chesapeake Bay, its tributaries, buffer areas and other sensitive environmental lands by minimizing the potential adverse effects of human activity upon these areas. The intent of this article is to:

- Protect existing high-quality state waters;
- 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;
- Safeguard the clean waters of the commonwealth from pollution;
- Prevent any increase in pollution;
- Reduce existing pollution;
- Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Lancaster County.

The requirements contained herein establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration within the Chesapeake Bay Preservation Areas. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of

¹Editor's note(s)—An ordinance adopted July 25, 2024, amended part IV in its entirety to read as herein set out. Former part IV, §§ 1—10, pertained to similar provisions, and derived from Min. of 9-30-99; Ord. of 10-30-03; Ord. of 6-1-05.

harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

Additionally, these regulations are intended to prevent a net increase in non-point source pollution from new development, achieve a ten percent reduction in non-point source pollution from redevelopment, and achieve a 40 percent reduction in non-point source pollution from agricultural uses.

This part is enacted under the authority of Code of Virginia, § 62.1-44.15:67 et seq. (the Chesapeake Bay Preservation Act) and Code of Virginia § 15.2-2283.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 1. Definitions.

For the purpose of this part, certain words and terms are defined as follows. Words used in the present tense include the future. Words in the singular include plural, and the plural includes the singular.

Accessory use or structure. A subordinate use or structure customarily incidental to and located upon the same or adjacent lot occupied by the main use or building, including private water and sewage facilities.

Best management practices. (BMP's) A practice, or combination of practices, that is determined by a state or designated areawide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals.

Buffer area. An area of natural or established vegetation managed to protect other components of the resource protection area and state waters from significant degradation due to land disturbance.

Building. Any combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by person, or property. The word building shall be construed as though followed by the words "or part thereof."

Building accessory. A subordinate structure customarily incidental to, and located upon, the same lot occupied by the main structure.

Caliper. The diameter in inches of a tree trunk measured six inches above the ground level.

Chesapeake Bay preservation area (CBPA). Any land designated by Lancaster County pursuant to part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20, et seq., and the Code of Virginia, § 10.1-2107. A Chesapeake Bay Preservation Area shall consist of a resource protection area (RPA) and a resource management area (RMA). All lands within Lancaster County outside of an RPA are within an RMA.

Construction footprint. The area of all impervious surface, including but not limited to buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.

Development. The construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportational or utility facilities or structures.

Diameter at breast height (dbh). The diameter of a tree measured outside the bark at a point 4.5 feet above the ground.

Director of planning. The individual appointed by the Lancaster County Board of Supervisors charged with the enforcement of this part. Director of planning may designate a subordinate employee to act in his behalf in the enforcement of this part.

Dripline. A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Governing body. The Board of Supervisors of Lancaster County, Virginia.

Health official. The legally designated health authority of the state board of health for Lancaster County or his authorized representative.

Highly erodible soils. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer, R is the rainfall and runoff, LS is the combined effect of slope length and steepness, and T is the soil loss tolerance.

Highly permeable soils. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of seventy-two inches (permeability groups "rapid" and "very rapid" as found in the "National Soil Survey Handbook" in the "Field Office Technical Guide" of the U.S. Department of Agriculture, Natural Resources Conservation Service (November 1966).

Hydric soils. Soils that are saturated, flooded or ponded long enough during the growing seasons to develop anaerobic conditions in the upper part, which are saturated for usually one week or more in the growing period and have the capacity to support hydrophytic vegetation.

Impervious cover. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Land disturbance/land disturbing activity. Any activity as described in section 3-11 of the Lancaster County Erosion and Sediment Control Ordinance.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width, and lot areas as are required by this part, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Non-point source pollution. Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources such as runoff from agriculture and urban land development and use.

Perennial flow (water body with). A body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes but is not limited to streams, estuaries, and tidal embayments and may include drainage ditches or channels constructed in wetlands or from former natural drainageways that convey perennial flow. Lakes and ponds through which a perennial stream flows are part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

Public road. A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to the Erosion and Sediment Control Law (Code of Virginia, § 10.1-560 et seq.) and the Virginia Stormwater Management Act (Code of Virginia, § 10.1-603.1 et seq.). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by a local government in accordance with the standards of that local government.

Redevelopment. The process of further developing land that has been previously developed.

Resource management area (RMA). That component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area. RMA's include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the resource protection area.

Resource protection area (RPA). That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in degradation of the quality of state waters.

Resource protection area buffer. An area of existing or established vegetation within the RPA that protects other components of the RPA and state waters from significant degradation associated with land disturbance.

Resource protection area delineator. A person trained in wetland ecology, botany, agronomy, hydrology and/or other related fields with experience delineating tidal and nontidal wetlands.

Setback, waterside. The minimum distance by which any building or structure must be separated from any tidal shore, tidal wetlands, or nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow. This does not apply to any boat docks, launch ramp or shoreline erosion control devices.

Silvicultural activities. Forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management practices, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to Code of Virginia, § 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of Virginia, § 58.1-3230.

Site plan. A plan delineating the overall scheme of development or a tract of land, including but not limited to, grading, engineering design, improvement details, erosion and sediment control measures and survey data.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, except utility poles.

Substantial alteration. Expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the resource management area only.

Tidal shore or shore. Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Water-dependent facility. A development of land that cannot exist outside of the RPA and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to ports; intake and outfall structures of power plants, water treatment plants, sewage treatment plants, storm sewers; marina and other boat docking structures, beaches and other public water-oriented recreation areas; and fisheries or other marine resources facilities.

Wetlands:

Non-tidal wetlands. Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water as a frequency and duration sufficient to support and, that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 C.F.R. 328.3b.

Tidal wetlands. Vegetated and nonvegetated wetlands as defined in the Code of Virginia, § 28.2-1300.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

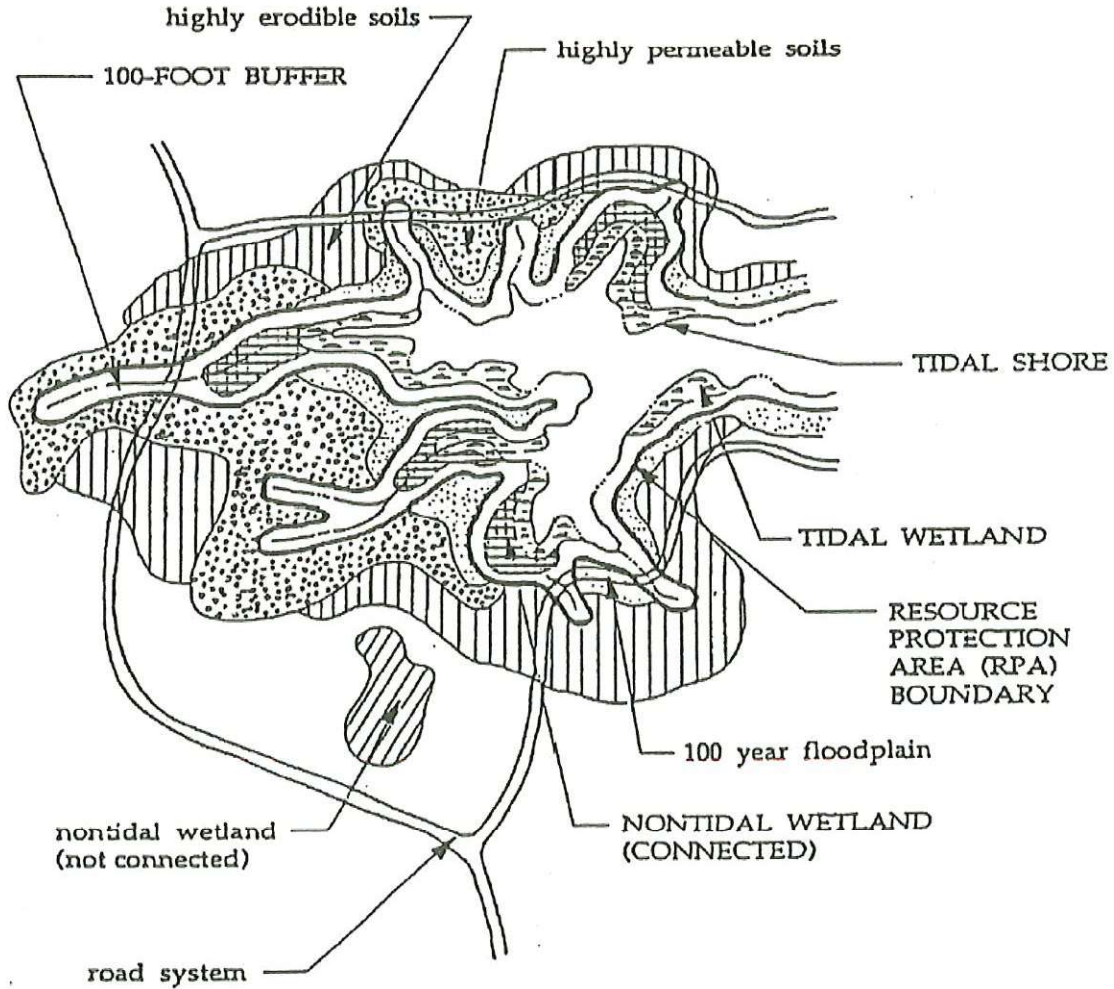
Section 2. Areas of applicability.

2-1. The requirements of this article shall apply to all lands identified as RPA's and RMA's on maps adopted by the board of supervisors on file in the office of the director of planning.

2-2. The RPA includes:

- (a) Tidal wetlands;
- (b) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- (c) Tidal shores;
- (d) A 100-foot vegetated buffer area located adjacent to and landward of the components listed above, and along both sides of any water body with perennial flow.

2-3. The RMA includes all remaining areas of Lancaster County.



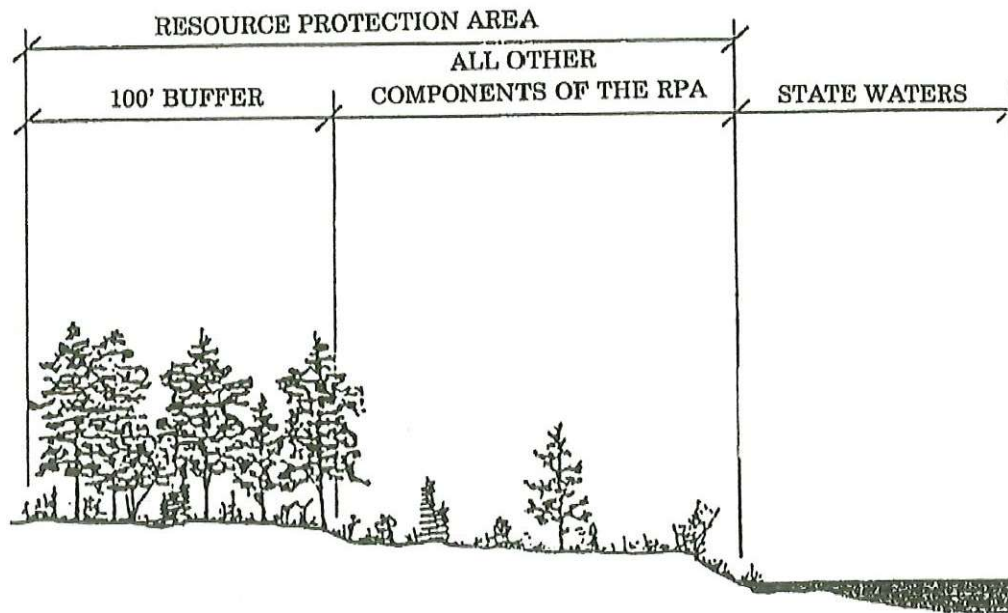
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(Ord. of 6-1-05; Ord. of 7-25-2024(3))

RPA COMPONENTS

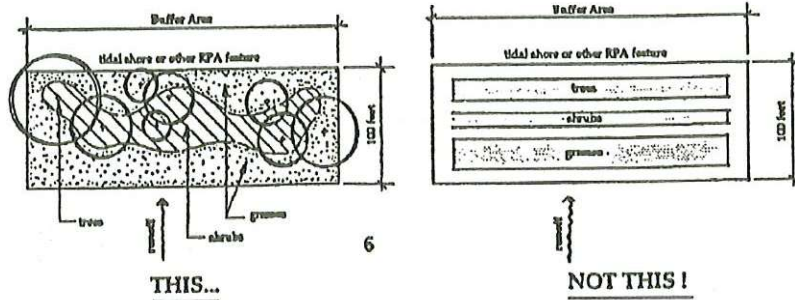
Section 3. The resource protection area (RPA).

- 3-1. *Interpretation of RPA boundaries.* The site specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental site assessment or water quality impact assessment conducted by an RPA delineator in accordance with section 5-1 (plan development) or section 5-7 (water quality impact assessment) of this part. The RPA delineator may use the adopted map as a guide to the general location of an RPA.
- 3-2. *Where conflicts arise over delineation.* When the applicant has provided a site-specific delineation of the RPA, the director of planning will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the director of planning may render adjustments to the applicant's boundary delineation, in accordance with Lancaster Zoning Ordinance article 22, Site Plans, and the Lancaster County Subdivision Ordinance.
- 3-3. *Use and lot size provisions for lands within the RPA.*
- (a) Development within the RPA is limited to new water-dependent facilities, expansion of existing water-dependent facilities and redevelopment. Redevelopment outside locally designated intensely developed areas shall be permitted in the resource protection area only if there is no increase in the amount of impervious cover and no further encroachment within the resource protection area, and it shall conform to applicable erosion and sediment control and stormwater management criteria as set forth in the Lancaster County Erosion and Sediment Control Ordinance and state law.
 - (b) The above-mentioned uses within the RPA must be in compliance with the intent and purpose of the comprehensive plan and comply with the performance standards of this article of the zoning ordinance.
 - (c) All newly created lots intended for human activity and use shall have sufficient area landward of the RPA to accommodate intended non-water-dependent land uses.
 - (d) All non-water-dependent components of water-dependent facilities shall be located outside of the RPA.
 - (e) Access, utilities or other land disturbance necessary to serve water-dependent facilities shall be kept to a minimum with a single point of access where possible.
- 3-4. *RPA buffer area requirements.*
- (a) To minimize the adverse effects of human activities on the other components of resource protection areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff shall be retained if present and established where it does not exist.



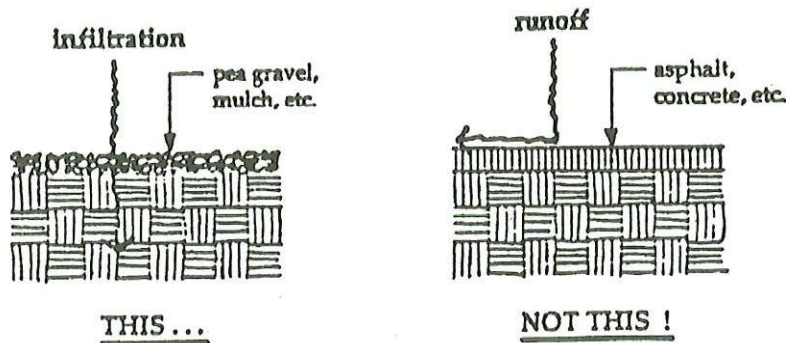
BUFFER AREA CROSS SECTION

- (b) The RPA buffer shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full 100-foot wide buffer shall be designated as the landward component of the RPA. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is not reduced in width.
- (c) Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the intended function of the buffer.
- (d) The 100-foot RPA buffer shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.
- (e) The RPA buffer shall be maintained in accordance with the following performance standards:
 - (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, if authorized by the director of planning, on a case-by-case basis, upon presentation of documentation that the RPA buffer will still function in a manner that protects water quality. Such vegetation shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff. The following guidelines shall be observed:



BUFFER AREA LAYOUT COMPARISON

- (2) Trees may be pruned only as necessary to provide for sight lines and vistas.
- (3) Any path shall be constructed and surfaced so as to effectively control erosion.



ACCESS PATH CONSTRUCTION

- (4) Dead, diseased, or dying trees or shrubbery and noxious weeds such as Johnson grass, kudzu, and multiflora rose may be removed and thinning of trees may be allowed, pursuant to sound horticultural practice incorporated into locally-adopted standards.
- (5) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline, in accordance with the best available technical advice subject to the issuance of all required permits.
- (f) When the application of the RPA buffer would result in the loss of a buildable area on a lot or parcel recorded prior to May 12, 1988, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:
 - (1) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
 - (2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.
 - (3) The encroachment may not extend into the seaward 50-foot portion of the buffer.
- (g) When the application of a buffer area would result in the loss of a buildable area on a lot or parcel recorded between May 12, 1988 and August 31, 1990, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:

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- (1) The lot or parcel was created as a result of a legal process conducted in conformity with the Lancaster County Subdivision Ordinance;
 - (2) Conditions or mitigation measures imposed through a previously approved exception shall be met;
 - (3) If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
 - (4) The criteria in subdivision 6 of this subsection shall be met.
- (h) No encroachment into the 100 feet wide resource protection area buffer shall be allowed on lots or parcels recorded after September 1, 1990.
- (i) Delineation of RPAs for single-family homes. The director of planning, when requested by an applicant wishing to construct a single-family residence requiring the preparation of an environmental site assessment, will for a fee perform the RPA delineation. The director of planning may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.
- (j) On agricultural lands the buffer shall be managed to prevent concentrated flows of surface water from breaching the buffer area. Appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:
- (1) Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the Northern Neck Soil and Water Conservation District Board, addresses the more predominant water quality issue on the adjacent land-erosion control or nutrient management-is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation.
 - (2) Agricultural activities may encroach within the landward 75 feet of the 100 foot wide buffer area when agricultural best management practices that address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T", as defined in the National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.
 - (3) The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one best management practice as considered by the Northern Neck Soil and Water Conservation District Board to address the more predominant water quality issue on the adjacent land-either erosion control or nutrient management.

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- (k) RPA signs. When development occurs adjacent to an RPA boundary, the applicant shall install or mount signs indicating the location of the RPA limits. Signs, which are available from the director of planning, shall be positioned within 300 feet of each other and/or where an RPA boundary line crosses a property line.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 4. Performance standards for all development and redevelopment.

- 4-1. All development and redevelopment shall be subject to applicable provisions of the Lancaster County Subdivision Ordinance, the Erosion and Sediment Control Ordinance of Lancaster County, the Lancaster County Zoning Ordinance and the Lancaster County Wetlands Ordinance.
- 4-2. No more land shall be disturbed than is necessary to provide for the proposed use or development. The construction footprint shall not exceed 60 percent of the site.
- 4-3. All land development shall minimize impervious cover to the maximum extent practicable consistent with the use or development proposed.
- 4-4. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed.
- 4-5. On-site sewage treatment systems.
 - (a) All on-site sewage disposal systems not requiring a NPDES permit shall be pumped out at least once every five years, in accordance with the requirements of the Virginia Department of Health. Alternatives for pump-out are also permitted including the installation of a plastic filter in the outflow pipe from the septic tank as long as the filter satisfies the standards established in the sewage handling and disposal regulations under the 12 VAC 5-6-10 et seq. as administered by the Virginia Department of Health. As a second alternative, owners of on-site sewage treatment systems may submit, every five years, documentation certified by a sewage handler permitted by the Virginia Department of Health that the septic system has been inspected and is functioning properly and does not need to be pumped out.
 - (b) For new construction. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an onsite sewage treatment system that operates under a permit issued by the state water control board, until the structure is served by public sewer.
- 4-6. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that are consistent with the water quality protection provisions (4 VAC 3-20-71 et seq.) of the Virginia Stormwater Management Regulations (4 VAC 3-20).
 - (a) For development, the post-development non-point source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover for Virginia's Chesapeake Bay Watershed.
 - (b) For isolated redevelopment sites, the non-point source pollution load shall be reduced by at least ten percent. The director of planning may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

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- (1) In no case may the post-development non-point source pollution runoff load exceed the pre-development load;
 - (2) Runoff pollution loads must have been calculated and the BMP's selected for the expressed purpose of controlling non-point source pollution;
 - (3) If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The director of planning may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this article.
- (c) For single-family dwellings on lots of one acre or greater in size, stormwater runoff calculations are not required provided the post-development impervious coverage for all structures, building and other impervious surfaces does not exceed 16 percent. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development non-point source pollution loadings can be substituted for the existing development loadings.
- 4-7. Prior to initiating grading or other onsite activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the director of planning, in accordance with Article 22 of the Lancaster County Zoning Ordinance, Site Plans.
- 4-8. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Bay Act.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 5. Submission requirements.

- 5-1. Plan of development. Any development or redevelopment exceeding 2,500 square feet of land disturbance in the CBPA shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, unless the director of planning determines that due to the scope and nature of the proposed development certain of the required information is unnecessary. The submittal requirements of section 5, as required, shall constitute a complete site plan submittal for land disturbance activities associated with single-family dwellings. Administration of the plan of development process shall be in accordance with article 22 of the Lancaster County Zoning Ordinance for site plans and the Lancaster County Subdivision Ordinance for subdivision plans. The following plans or studies shall be submitted, unless otherwise provided for to accompany a site plan or subdivision plan:
- 5-2. Environmental site assessment. An environmental assessment shall be submitted in conjunction with a site plan or preliminary subdivision plan approval application.
- (a) The environmental site assessment shall be drawn to scale clearly delineating the following components:
 - (1) Tidal wetlands;
 - (2) Tidal shores;
 - (3) Nontidal wetlands in RPA;

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- (4) A 100-foot buffer area located adjacent to and landward of the components listed in subsections (1) through (3) above, and along both sides of any water body with perennial flow;
 - (5) Nontidal wetlands in RMA;
 - (6) Hydric soils.
- (b) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.
 - (c) The environmental site assessment shall be drawn at the same scale as the site plan or subdivision plan, and shall be certified as complete and accurate by a RPA delineator competent to make the inventory. The requirement that the assessment be at the same scale may be waived by the director of planning when the proposed use or development would result in less than 5,000 square feet of disturbed area.
- 5-3. Clearing plan. A clearing plan shall be submitted in conjunction with a site plan or preliminary subdivision plan approval application. No clearing or grading of any lot or parcel shall be permitted without an approved clearing plan. Clearing plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.
- (a) Contents of the plan.
 - (1) The clearing plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site six inches or greater in diameter at breast height (DBH) shall be shown on the clearing plan, or where there are groups of trees, the wood lines of the group may be outlined instead. The specific number of trees six inches or greater DBH to be preserved outside of the impervious cover and outside the groups shall be indicated on the plan. Trees to be removed and wood lines to be changed to create desired and necessary impervious cover shall be clearly delineated on the clearing plan.
 - (2) Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this part, shall be shown on the clearing plan.
 - (3) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and BMP's, as provided for in this part, shall be shown on the plan. Vegetation required by this part to replace any existing trees within the buffer area shall also be shown on the clearing plan.
 - (b) Plant specifications.
 - (1) All plant materials necessary to supplement the buffer area or vegetated areas outside the impervious cover shall be installed according to standard planting practices and procedures.
 - (2) All supplementary or replacement plant materials shall be living and in healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
 - (3) Where areas to be preserved, as designated on an approved clearing plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of two planted trees to one removed. Replacement trees shall be a minimum two and one-half inches caliper at the time of planting.
 - (c) Maintenance.
 - (l) The applicant shall be responsible for the maintenance, repair, and replacement of all vegetation as may be required by the provisions of this part.

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- (2) In buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this part.
- 5-4. Stormwater management plan. A stormwater management plan shall be submitted as part of the plan of development process required by this article and in conjunction with site plan or subdivision plan approval. When site impervious cover is 16 percent or less of total site area, no stormwater management plan is required.
- (a) Contents of the plan. At a minimum, the stormwater management plan shall contain the following:
- (1) Location and design of stormwater control devices and BMP's.
 - (2) Procedures for implementing nonstructural stormwater control practices.
 - (3) Pre- and post-development non-point source pollution loadings with documentation demonstrating that all utilized coefficients and calculations are in accordance with the Virginia Stormwater Management Handbook.
 - (4) For facilities, verification of structural soundness, including a professional engineer or class IIIB surveyor certification.
- (b) The plan shall establish a longterm schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than Lancaster County, then a maintenance agreement shall be executed between the responsible party and the county.
- 5-5. Erosion and sediment control plan. An erosion and sediment control plan prepared in accordance with the Erosion and Sediment Control Ordinance of Lancaster County shall be submitted. Any land disturbance within the RPA buffer, including those exempted in section 1-6-l(d), will require an erosion and sediment control plan.
- 5-6. Landscaping plan. A landscaping plan prepared in accordance with article 22 of this part shall be submitted.
- 5-7. Water quality impact assessment.
- (a) Purpose. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within resource protection areas and other environmentally sensitive lands; to ensure that, where development does take place within resource protection areas and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of resource protection areas and other sensitive lands; to protect individuals from investing funds for improvements proposed for a location on lands unsuited for such development because of high groundwater, erosion, or vulnerability to flood and storm damage; and to specify mitigation which will address water quality protection.
- (b) When required. A water quality impact assessment is required for:
- (1) Any proposed land disturbance, development, or redevelopment within a resource protection area, including any buffer area encroachment.
 - (2) Any proposed development or redevelopment within an RMA. The director of planning may waive this requirement after the issuance in writing of findings indicating that the unique characteristics of the site (such as the topography, soils, ground cover, location of wetlands and tidal shores) or the insignificance of the proposed development will not cause a degradation of water quality.

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- (c) Minor water quality impact assessment. A minor water quality impact assessment pertains only to land disturbance, development, or redevelopment within CBPA's which causes no more than 5,000 square feet of land disturbance and requires an encroachment into the landward 50 feet of the 100 foot buffer area. A minor assessment must demonstrate through acceptable calculations that the undisturbed buffer area, enhanced vegetative plantings and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale which shows the following:
- (1) Location of the components of the RPA on site or within 100 feet of the site, including the 100 foot buffer area;
 - (2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
 - (3) Type and location of proposed best management practices to mitigate the proposed encroachment.
 - (4) Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment;
 - (5) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.
- (d) Major water quality impact assessment. A major water quality impact assessment shall be required for any development which exceeds 5,000 square feet of land disturbance within CBPA's and requires any encroachment into the landward 50 feet of the 100 foot buffer area; proposes to disturb any portion of any other component of an RPA or proposes to disturb any portion of the buffer area within 50 feet of any other component of an RPA; or is located in an RMA and is deemed necessary by the director of planning. The information required in this section shall be considered a minimum, unless the director of planning determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land. The following elements shall be included in the preparation and submission of a major water quality assessment which accompanies a site plan or subdivision application:
- (1) All information required as part of a minor water quality impact assessment;
 - (2) An environmental site assessment;
 - (3) A clearing plan and landscaping plan;
 - (4) A stormwater management plan;
 - (5) An erosion and sediment control plan;
 - (6) A wastewater plan;
 - (7) A hydrogeological study which includes an estimation of pre- and post-development pollutant loads in runoff.
- (e) Evaluation procedure.
- (1) Upon the completed review of a minor water quality impact assessment, the director of planning will determine if any proposed modification or encroachment into the buffer area is consistent with the provisions of this article and make a finding based upon the following criteria:

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- a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - b. Impervious surface is minimized;
 - c. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
 - d. The development, as proposed, meets the purpose and intent of this article;
 - e. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a major water quality impact assessment, the director of planning will determine if the proposed development is consistent with the purpose and intent of this article and make a finding based upon the following criteria:
- a. Within any RPA, the proposed development is water-dependent;
 - b. The disturbance of wetlands will be minimized;
 - c. The development will not result in significant disruption of the hydrology of the site;
 - d. The development will not result in significant degradation to aquatic vegetation or life;
 - e. The development will not result in unnecessary destruction of plant materials on site;
 - f. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent offsite sedimentation;
 - g. Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve the required standard for pollutant control;
 - h. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;
 - i. The design and location of any proposed drainfield will be in accordance with the requirements of section 3;
 - j. The development, as proposed, is consistent with the purpose and intent of this article;
 - k. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (3) The director of planning shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the director of planning based on the criteria herein.
- (4) The director of planning shall find the proposal to be inconsistent with the purpose and intent of this article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the director of planning based on the criteria herein.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 6. Installation and bonding requirements.

- 6-1. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy

may be issued only if the applicant provides to Lancaster County a form of surety satisfactory to the director of planning in amount of the remaining plant materials, and installation costs for any of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.

- 6-2. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the county.
- 6-3. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the county. The county may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- 6-4. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the director of planning, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The director of planning may require a certificate of substantial completion from a professional engineer or class 1118 surveyor before making a final inspection.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 7. Exemptions.

- 7-1. Public utilities, railroads, public roads, and facilities.
 - (a) Construction, installation, operation, and maintenance of transmission lines (electric, natural gas, telephone, and fiber-optic), railroads, and public roads and their appurtenant structures in compliance with the Erosion and Sediment Control Law Code of Virginia, § 10.1-560 et seq. and the Stormwater Management Act, Code of Virginia, § 10.1-603.1 et seq. or an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation will be deemed to comply with this part. The exemption of public roads is further conditioned that the road alignment and design has been optimized, consistent with all applicable requirements, to prevent or to otherwise minimize the encroachment in the resource protection area and to minimize the adverse effects on water quality.
 - (b) Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications, and cable television lines owned, permitted or both by Lancaster County or a regional authority, shall be exempt from this part provided that:
 - (1) To the degree possible the location of such utilities and facilities should be outside RPA's;
 - (2) No more land shall be disturbed than is necessary to provide for the proposed utility installation;
 - (3) All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable federal, state and county permits and designed and conducted in a manner that protects water quality; and
 - (4) Any land disturbance exceeding an area of 2,500 square feet complies with the erosion and sediment control ordinance of Lancaster County.
 - (c) Exemptions for silvicultural activities. Silvicultural activities are exempt from the requirements of this part provided that silvicultural operations adhere to water quality protection procedures prescribed by the "Virginia's Forestry Best Management Practices for Water Quality" (Technical Guide).

(d) Exemptions for water wells, passive recreation facilities and historic preservation and archaeological activities. Exemptions from these requirements may be granted for the following land disturbances in RPA's: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the director of planning that:

- (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
- (2) Any land disturbance exceeding an area of 2,500 square feet shall comply with the Lancaster County Erosion and Sediment Control Ordinance;
- (3) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; and
- (4) The intended use does not conflict with nearby planned or approved uses.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 8. Administration and interpretation.

8-1. [Enforcement.] This part shall be enforced by the director of planning who shall be appointed by the board of supervisors. The director of planning shall serve at the pleasure of that board.

8-2. Severability. Should any section or provision of this part be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so held to be unconstitutional or invalid.

8-3. Conflicting ordinances. All conflicting ordinances or parts thereof which are inconsistent with the provisions of this part are hereby repealed.

8-4. Effective date. This part shall be effective on the day following its date of adoption.

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 9. Enforcement.

9-1. All departments, officials and public employees of Lancaster County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this part. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this part. Any such permit, if issued in conflict with the provisions of this part, shall be null and void.

9-2. The director of planning is granted all necessary authority on behalf of the board of supervisors to administer and enforce this part, including the authority of remedying any condition found in violation of this part and the bringing of legal action to secure compliance with this part, including injunctive, abatement or other appropriate action or proceeding.

9-3. Penalties. Whenever in any provision of this part any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, such violation shall constitute a class 1 misdemeanor and be punished as prescribed in Lancaster County Code of Ordinances, section 1-10(a)(l).

(Ord. of 6-1-05; Ord. of 7-25-2024(3))

Section 10. Waivers, exceptions and appeals.

10-1. Nonconforming use and development waivers. It is not the intent of this part to prevent beneficial use or minor modification or alteration of structures legally existing prior to the adoption of this part on September 1, 1990.

- (a) The director of planning and land use may grant a nonconforming use and/or waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:
 - (1) There will be no net increase in nonpoint source pollutant load;
 - (2) Land disturbances in excess of 2,500 square feet shall comply with Lancaster County Erosion and Sediment Control Ordinance.
- (b) An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the director of planning and land use and shall include, for the purpose of proper enforcement, a Bay Act site plan performed by a licensed surveyor/engineer and prepared in accordance with the requirements for site plans set forth in Article 22-6 of the Lancaster County Zoning Ordinance.
- (c) A nonconforming use and development waiver shall become null and void twelve months from the date issue if no substantial work has commenced.
- (d) An application for the expansion of a nonconforming principal structure may be approved by the director of planning and land use through an administrative review process provided that the following findings are made;
 - (1) The request for the waiver is the minimum necessary to afford relief;
 - (2) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
 - (3) The waiver is in harmony with the purpose and intent of this part and does not result in water quality degradation;
 - (4) The waiver is not based on conditions or circumstances that are self-created or self-imposed;
 - (5) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
 - (6) Other findings as appropriate and required by Lancaster County are met; and
 - (7) In no case shall this provision apply to accessory structures.

(Ord. of 7-25-2024(3))

10-2. Exceptions.

- (a) Exceptions to the requirements of this part other than sections 3-3 and 3-4 may be granted by the director of planning and land use provided that:
 - (1) Exceptions to the requirements shall be the minimum necessary to afford relief;
 - (2) Reasonable and appropriate conditions upon any exception granted shall be imposed as necessary so that the purpose and intent of the act is preserved; and
 - (3) Exceptions to section 4 (performance criteria) may be made provided that the findings noted in subsection (d) below are made.

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- (b) A request for an exception to the requirements of sections 3-3 and 3-4 of this article shall be made in writing to the board of supervisors (Bay Act Exception Request)). It shall identify the impacts of the proposed exception on water quality and on lands within the resource protection area through the performance of a water quality impact assessment that complies with the provision of section 5-7.
 - (c) The board of supervisors shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with Code of Virginia, § 15.2-2204, except that only one hearing shall be required.
 - (d) The board of supervisors shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this part if the board finds:
 - (1) Granting the exception shall not confer upon the applicant any special privileges denied by this part to other property owners in Lancaster County;
 - (2) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
 - (3) The exception request is the minimum necessary to afford relief;
 - (4) The exception request will be in harmony with the purpose and intent of this part, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
 - (e) If the board of supervisors cannot make the required findings or refuses to grant the exception, the board shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.
 - (f) Waivers or exceptions granted will become null and void if proposed development is not completed within 12 months.

(Ord. of 7-25-2024(3))

10-3. *Reserved.*

10-4. *Appeals.*

- (a) An owner of property subject to an administrative decision, order, or requirement under this part may appeal by submitting a written application for review to the board of supervisors no later than 30 days from the rendering of such decision, order, or requirement. The board shall hear the appeal as soon as practical after receipt of the application. The appellant, the board of supervisors, the planning director, and any person or agency expressing an interest in the matter shall be notified by the board not less than ten days prior to the date of the hearing.
- (b) In rendering its decision, the board shall balance the hardship to the property owner with the purpose, intent, and objectives of this part.
- (c) Final decisions of the Lancaster County Board of Supervisors under this part shall be subject to review by the Lancaster County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in CBPA activities.

(Ord. of 7-25-2024(3))

10-5. *Vesting of rights.* A building permit issued on or before September 20, 1990, vests rights to build in accordance with the requirements of that permit. Such building permit may be renewed one time if construction does not commence within the time limit of that permit.

(Ord. of 7-25-2024(3))