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## Urban VS. Rural Title Research ??? Is There a Difference?

### Description

Urban vs. rural title research, is there any difference between the two or is it only that it is in a different location? What about the two makes them different? This was a question posed recently that made me dig a little bit deeper into the background of the two. In my experience when conducting title research, the focus on the type of property: whether it is a residential lot in a dedicated subdivision approved by an authority, or whether it is an acreage search, which can be residential or commercial. To gather more information for this article, I went to the internet, and searched this topic and found the following definitions and discussions:

#### **The 2020 US Census Bureau defines Urban vs. Rural as:**

The Census Bureau's urban-rural classification is a delineation of geographic areas, identifying both individual urban areas and the rural areas of the nation. The Census Bureau's urban areas represent densely developed territory, and encompass residential, commercial, and other non-residential urban land uses. The Census Bureau delineates urban areas after each decennial census by applying specified criteria to decennial census and other data. Rural encompasses all population, housing, and territory not included within an urban area.

<https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html>

#### **The National Geographic Encyclopedia defines Urban vs. Rural as:**

An urban area is the region surrounding a city. Most inhabitants of urban areas have nonagricultural jobs. Urban areas are very developed, meaning there is a density of human structures such as houses, commercial buildings, roads, bridges, and railways.

Suburbs are smaller urban areas that surround cities. Most suburbs are less densely populated than cities. They serve as the residential area for much of the city's work force. The suburbs are made up of mostly single-family homes, stores, and services.

Rural areas are the opposite of urban areas. Rural areas, often called "the country," have low population density and large amounts of undeveloped land.

Usually, the difference between a rural area and an urban area is clear. Throughout the world, the dominant pattern of migration within countries has been from rural to urban areas. This is partly because improved technology has decreased the need for agricultural workers and partly because cities are seen as offering greater economic opportunities. Most of the world's people, however, still live in rural areas.

<https://www.nationalgeographic.org/encyclopedia/urban-area/>

**The Pew Research Center article from May 2018, *What Unites and Divides Urban, Suburban and Rural Communities*, which discusses trends in Urban vs. Rural areas. I found interesting, when**

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## considering how changes in demographic shifts were impacted by what was to come in the future, with the impact of the COVID 19 Pandemic in 2020:

Large demographic shifts are reshaping America. The country is growing in numbers, it is becoming more racially and ethnically diverse and the population is aging. But according to a new analysis by Pew Research Center, these trends are playing out differently across community types.

Urban areas are at the leading edge of racial and ethnic change, with nonwhites now a clear majority of the population in urban counties while solid majorities in suburban and rural areas are white. Urban and suburban counties are gaining population due to an influx of immigrants in both types of counties, as well as domestic migration into suburban areas. In contrast, rural counties have made only minimal gains since 2000 as the number of people leaving for urban or suburban areas has outpaced the number moving in. And while the population is graying in all three types of communities, this is happening more rapidly in the suburbs than in urban and rural counties.

<https://www.pewresearch.org/social-trends/2018/05/22/what-unites-and-divides-urban-suburban-and-rural-communities/>

**In the August 2020 VLTA Examiner, I authored an article *Virtual Town Hall â?? The State of the Industry & Economic Forecast* a report on the VLTA Town Hall with other Industry Leaders, which touched on real estate and market trends and the impact of the COVID 19 Pandemic resulting in new technology and telecommuting:**

â??There were several take-aways from the Town Hall, with the most prominent being the clear message that *Change is Here!* With this pandemic, we have experienced change in our personal and business lives and the way we transact business. In response to this pandemic and with the many changes we have undergone, we have witnessed the creation of new standard features.

Telecommuting is now the norm and with this comes the different needs of purchasers for home office space that is currently evolving in the housing market. With telecommuting, we now see a reduction of traffic congestion and reduced transit commuter needs. We are also evolving and changing to meet the needs of our clients by utilizing virtual real estate tours and sales. Many changes have occurred in the way we conduct settlements, which are enhanced by new technologies. With new technology, we now have the ability to offer virtual notarization. Also, with new and evolving technology, we have the capability to conduct paperless settlements in a virtual setting. Electronic recording of settlement documents is now the new standard in response to courthouse closures. The Circuit Court Clerksâ?? offices quickly responded and enabled electronic recording in most jurisdictions to ensure the continuity of real estate transactions for the consumer.â?•

â??How do we respond to the present reality of *Change is Here?* It has become apparent that this pandemic has had, and will continue to have, far reaching effects on all aspects of life and business in all segments of the real estate industry. What unfolded in the Town Hall discussion, was the almost seamless ability of each segment of the industry to quickly adapt to constantly changing demands and needs necessary for business continuity.â?•

[Virtual Town Hall â?? The State of the Industry & Economic Forecast](#)

In my professional experience, I previously served as a volunteer for many years on the Board of Zoning Appeals (BZA) in Stafford County, and then became a graduate of the Virginia Tech BZA Certification Course. While conducting title research and serving on the BZA, I became aware of how State and local Zoning and Subdivision Ordinances impact real property and title research.

## **Let us look at Governmental Structure & the Comprehensive Plan, Zoning & Planning, Environmental Concerns, Subdivision State, and local Ordinances:**

### **A. Boards & Commissions Duties & Responsibilities:**

#### **Board of Supervisors:**

The Board of Supervisors is the governing body of the County. The Board, as the legislative body, is responsible for enacting laws and setting policies. It also approves the budgets for County services and sets the tax rates, as well as appoints citizens to the several boards, authorities, commissions, and committees.

The Board of Supervisors has the overall responsibility for the function of county government. They are the legislative and executive body of county government. The Board passes all ordinances governing the county and is responsible for seeing that mandated functions are properly discharged.

#### **Planning and Zoning Commission:**

The Planning and Zoning Commission is a local elected or appointed government board charged with recommending to the local town or city council the boundaries of the various original zoning districts and appropriate regulations to be enforced therein and any proposed amendments thereto. Planning and Zoning commission duties vary depending on the jurisdiction.

The [Planning Commission](#) plays a central role in the planning process in three important ways. First, it acts as an advisory board to the [County](#) on all planning and development issues. Second, the commission assures that the general plan is implemented by reviewing development applications on a case-by-case basis. Third, the commission functions as the decision-making body for housing and commercial project applications for new construction, remodels and conditional use permits. The Planning Commission's actions are final but can be appealed to the Board of Supervisors.

#### **Board of Zoning Appeals:**

The County Board of Zoning Appeals (BZA) usually consists of seven members appointed by the Circuit Court in that jurisdiction. It is a quasi-judicial body established under state law to provide relief in special cases where strict adherence and the exact application of the terms of the zoning ordinance would be unduly restrictive and cause an undue hardship on the applicant.

The primary function of the BZA is to vary the specific terms of the zoning ordinance so that practical development problems of the community may be met within the provision of the ordinance. In effect, the board acts as a "safety valve."

BZA Powers and duties are defined in the Code of Virginia which can be found online at <https://law.lis.virginia.gov/vacode> and then adopted and implemented by the jurisdiction's comprehensive plan, zoning ordinance and subdivision ordinance. BZA Powers and duties are defined

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in VA Code Â§ 15.2-2309 powers and duties of boards of zoning appeals. The BZA powers and duties are also defined by the Zoning Ordinance for that jurisdiction.

BZA Types of Hearings:

- Zoning Violation Enforcement Hearings
  - Appeal of Zoning Administrator Decision
  - Non-Conforming Use Appeal
  - Special Exceptions
  - Variances
- **Comprehensive Plan, Zoning and Subdivision Ordinance:**

### **Comprehensive Plan:**

A Comprehensive Plan is the most important document in a locality besides the County Code. A Comprehensive Plan establishes goals, objectives, and policies that shape the future direction of a community as it relates to the physical development of its land. Policies typically identify what the community's vision is for anticipated growth. More specifically, policies may identify where growth is desirable and establish the type and intensity of development. A plan also addresses the other interrelated aspects of growth, including transportation, housing, public facilities, infrastructure, and natural and cultural resources. The Plan serves as a guide upon which development proposals are evaluated to ensure conformance with the desires of the community. Over time, a Plan may be reevaluated and adjusted if conditions and community goals change.

### **Zoning Ordinance:**

Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of VA Code Â§ [15.2-2200](#). This chapter is intended to encourage localities to improve the public health, safety, convenience, and welfare of their citizens. The local jurisdiction Zoning Ordinance is usually available online. If not contact the Department of Planning and Zoning in the jurisdiction.

### **Subdivision Ordinance:**

The general purpose of the Subdivision Ordinance County Code is to establish subdivision standards and procedures for the County. The Ordinance is to guide and facilitate the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare.

- **Planning, Permitting & Environmental Review Process:**

### **Environmental Considerations:**

- Land Use Program for the jurisdiction, taxation and impact upon real property
- Chesapeake Bay Act Regulations impact on real property
- Environmental & Water Quality Impact on real property
- The jurisdiction requirements may vary depending on the situation.

### **Environmental Concerns and the Chesapeake Bay Preservation Ordinance.**

The [Chesapeake Bay Preservation Act](#) (Bay Act) was enacted by the Virginia General Assembly in 1988. The Chesapeake Bay Preservation Ordinance was adopted to protect our local streams and one of the world's most productive estuaries, the Chesapeake Bay, from pollution due to land use and development. Also, check for the Chesapeake Bay Board in the jurisdiction for online information.

<https://www.deq.virginia.gov/water/chesapeake-bay/chesapeake-bay-preservation-act>

**When gathering information for this article I found that most jurisdiction websites in Virginia contain many important resources available online, such as:**

- The Jurisdiction's Comprehensive Plan
- Zoning Ordinance
- Zoning Map
- Subdivision Ordinance
- Subdivision Map
- Commissioner of the Revenue
- Clerk of the Circuit Court Land Records
- GIS Maps and Tax Maps
- Land Use Map

Normally when conducting title research, there is not a requirement or a great deal of focus on the impact of State & Local Zoning & Subdivision Ordinances on Real Property. Title Examiners may occasionally see documents filed such as a Zoning Variance from the jurisdiction, or an Ordinance Resolution from the jurisdiction, a condemnation or taking by the jurisdiction, or a Notice of Conditional Zoning & Proffer Agreement for real property recorded in Land Records. However, the focus is of the title search is on the factual information found during the search that is recorded in the Circuit Court.

It is important for Title Examiners to be knowledgeable of jurisdiction requirements and practices concerning Zoning, Planning and Subdivision Ordinances. It is also important to work with a title examiner who is familiar with that particular jurisdiction, and knowledgeable of their practices and requirements concerning subdivisions, planning and zoning along with other departments such as the Commissioner of the Revenue, the Treasurer, along with the Circuit Court Land Records.

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Julie Ann Rutledge currently serves on the VLTA Board of Directors (BOD) as Past President for 2019-2020. Julie has served on the VLTA BOD since 2015, as Treasurer for 2018 & 2019 and previously as Director/Editor of the Examiner Magazine. Julie has been a member and volunteer of the VLTA since 1996. She has served on the VLTA Examiner Magazine Editorial Board since 1997, serving as columnist of The Abstract View & Title Tips & Trivia for the Examiner. Julie served as the Editor-in-Chief for two years from 2012 through 2014.

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