

- (c) *Operator*: a person holding legal title to the land on which worker housing is located. However, if legal title and the right to possession are in different persons, *operator* means a person having the lawful control or supervision over the temporary worker housing under a lease or other arrangement.

***HOUSING FOR STUDENTS, FACULTY, AND STAFF IN ASSOCIATION WITH A LEARNING INSTITUTE.*** Dormitory-style accommodations with no individual housekeeping units.

***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.

***INDUSTRIAL TRADE SCHOOL.*** School offering instruction and training in mechanical or industrial techniques.

***INOPERABLE VEHICLE.*** A motor vehicle, trailer, or attachment thereto, which is required by the Commonwealth and County to display current plates and/or meet safety standards as evidenced by display of an appropriate inspection sticker, which vehicle, trailer, or attachment thereto does not display the license plates and/or approved inspection sticker.

***INTENSIVE LIVESTOCK FACILITY.*** An agricultural operation that brings feed to animals which are kept for the majority of their lives in confined facilities such as feedlots without the ability to graze.

***INTENSIVE POULTRY FACILITY.*** An agricultural operation which utilizes confinement structures and which at any one time has at least 500 turkeys, 500 ducks, 1,000 chickens, 500 geese, 1,000 domesticated birds, or a combination of turkeys, ducks, chickens, geese, or domesticated birds exceeding 1,000 in number.

***JUNK YARD.*** Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. The term ***JUNK YARD*** shall include automobile graveyard as defined by Virginia law.

***KENNEL, COMMERCIAL.*** A place prepared to house, board, breed, handle, or otherwise keep or care for dogs and other domestic pets for sale or in return for compensation.

***LANDSCAPE CONTRACTOR/SITE WORK.*** A facility for storage of equipment and supplies for earth-moving, site preparation, ditch maintenance, dock and bulkhead work, and major site clearance. Such equipment and supplies may include, but are not limited to, large motorized equipment, trucks, trailers, bulk storage of mulch, earth, and gravel.

***LANDSCAPE DESIGN AND MAINTENANCE.*** A facility providing office space and storage of equipment and supplies associated with yard maintenance, such as lawn mowers and bagged bulk materials.

***LIGHT INDUSTRIAL.*** Any activity which includes production, processing, manufacturing, building, rebuilding, fabrication, storage, machining, repair, construction or other processes involving



- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provision required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable objectively.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(D) *Removal of Abandoned WCFs.* A bond shall be required to assure removal of an obsolete WCF. Any antenna or tower that is not operated for a continuous period of 24 months shall be considered abandoned, and the owner of each such antenna or tower shall remove the WCF within 90 days of receipt of notice from Northampton County notifying the owner of such removal equipment requirement. Removal is defined as leveling structures to the ground and legally removing the materials from the site. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The site shall be restored to its original condition after removal is complete.

(E) *Required Yearly Report.* The owner of each such WCF shall submit a report to the Northampton County Department of Planning and Zoning once a year, no later than July 1. The report shall state the current user status of the tower.

(F) *Special Use Permit Review.* Each special use permit approved for a WCF shall be reviewed at least every three years. While no additional fees or public hearing shall be required, the applicant shall demonstrate to the satisfaction of the Zoning Administrator that a good-faith effort has been made to cooperate with other providers to establish co-location at the tower site. Such cooperation shall include timely responses to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location. The owner/operator will also be evaluated for compliance over the period with any other terms and conditions of the special use permit.

(G) *Provisions for Amateur Radio Antennas.* Amateur radio antennas are exempt from the portions of these regulations that pertain to co-location.

#### § 154.110 STANDARDS FOR LIVESTOCK OPERATIONS

(A) *Purpose and Intent.* The purpose of this Section is to provide for the continued viability of Northampton County's agricultural sector by encouraging the orderly and responsible management of riding/boarding and equine training facilities, livestock, dairy, and poultry operations. This Section establishes standards consistent with Virginia's "Right to Farm" legislation for the conduct of both intensive and non-intensive livestock operations in a manner that will be harmonious with other types of

land uses. The U. S. Environmental Protection Agency recognizes that concentrated animal husbandry may have the potential to contribute pollutants such as nitrogen and phosphorus, organic matter, sediments, pathogens, heavy metals, hormones, antibiotics, and ammonia to the environment. Excess nutrients in water (i. e., nitrogen and phosphorus) can result in or contribute to low levels of dissolved oxygen, eutrophication, and toxic algal blooms. These excess nutrients can pose a direct threat to Northampton County's established aquaculture industry and must be managed responsibly.

(B) *Definitions:* The following applicable definitions are in addition to those set forth in §154.003 of this Chapter.

- (1) *Mature woodlands:* Land occupied by native trees and under-story vegetation of at least 20 years of age.
- (2) *Manure storage:* Free-standing buildings built for the purpose of stockpiling and composting manure derived from intensive livestock facilities or intensive poultry facilities.
- (3) *Compost shed:* Free standing buildings built for the purpose of stockpiling and composting carcasses of dead poultry.
- (4) *Ammonia scrubbers:* Machines utilized in intensive poultry facilities for the purpose of removing ammonia gases from the air discharged by confinement buildings that house poultry.

(D) *Minimum requirements for Traditional Farm-based Livestock Husbandry:* Livestock facilities shall be situated on five (5) acres or more, excluding federally-defined tidal and non-tidal wetlands.

(E) The minimum lot size for equine riding/boarding and training facilities shall be one (1) acre per horse.

(F) *Setbacks*

(1) *Setbacks for Domestic Livestock Husbandry.*

- (a) Accessory buildings must conform to standards already established in particular zoning districts.
- (b) Livestock handling or containment areas shall be set back a minimum of 100 feet from any shoreline.
- (c) Limits of pasture may extend to the landward edge of a Resource Protection Area as defined in this Chapter.

(2) *Setbacks for Traditional Farm-based Livestock Husbandry.*

(a) Livestock structures shall be situated according to the following setbacks:

1. *From a public road right of way:* 100 feet

2. *From property lines:* 100 feet
  3. *From tidal waters, wetlands, and perennial streams:* 150 feet
- (b) Livestock handling or containment areas and limits of pasture(s) shall be situated according to the following setbacks.
1. *From a public road right of way:* 0 feet
  2. *From property lines:* Ten (10) feet
  3. *From tidal waters, wetlands, and perennial streams:* 100 feet
- (3) *Setbacks for Intensive livestock, Intensive poultry facilities, and manure storage and compost structures.* Facilities shall be situated according to the following setbacks:
1. *From a public road right-of-way:* 300 feet
  2. *From the limits of an incorporated town:* 2,000 feet
  3. *From Villages, Waterfront Villages, Waterfront Hamlets, Existing Cottage Communities, Town Edges:* 1,500 feet
  4. *From Hamlets:* 1,000 feet
  5. *From any property line:* 400 feet. Except this may be reduced to 200 feet if there is 200 feet in width of mature woodlands and ammonia scrubbers are used to actively capture emissions. These same mature woodlands used to secure a reduction in setbacks must be preserved, neither thinned nor harvested, during the lifespan of the associated Intensive Livestock Facility.
  6. *From tidal waters:* 2,000 feet

(F) *Minimum requirements for Intensive Livestock Facilities:*

- (1) Compost sheds must be operational upon commencement of the facility operation.
- (2) Manure storage must be operational within two (2) years after the commencement of the facility operation.

(G) *Animal Waste Handling:* All animal wastes must be contained so that none are allowed to enter a Resource Protection Area. Any open manure storage must be at least 100 feet from a property line. Otherwise, storage must be in an enclosed storage facility no closer than 100 feet from a property line or one half (0.5) the average lot width, whichever is less.

(H) *Lagoons:* Lagoons to serve livestock compounds may be permitted with a Special Use Permit.

(I) *Plans required:* Livestock facilities are required to have a Nutrient Management Plan approved by the Eastern Shore Soil and Water Conservation District and the Virginia Department of

Conservation and Recreation and a development plan and an erosion and sediment control plan approved by the Northampton County Department of Planning and Zoning.

### § 154.111 STANDARDS FOR PONDS

(A) *Purpose and Intent:* The purpose of this Section is to provide for the continued availability of surface waters for agriculture, horticulture and viticulture crop lands, and recreation while providing for the protection of the Sole Source Aquifer and keeping excavation spoils in place.

(B) *Requirement for any Pond:* A zoning clearance pursuant to requirements of §154.040 herein shall be required for any dug or impounded pond to ensure that any land disturbance associated with pond installation is set back a minimum of 100 feet from the property lines of adjacent parcels. Any pond installation must comply with all applicable zoning requirements, even if deemed exempt from the requirements of the Northampton County Erosion and Sediment Control Ordinance.

(C) *Requirement for any Irrigation Pond:* If approval is obtained from the U. S. Department of Agriculture, Natural Resource Conservation Service (NRCS), and the pond is constructed to NRCS standards and specifications, such pond is not otherwise regulated by this section. See <http://www.va.nrcs.usda.gov/technical/vastandards.htm#378>.

(D) *General regulations for ponds:*

- (1) Maximum dug depth shall be 18 feet below the level of the water when it is first observed during excavation.
- (2) Stockpiled excavated material is subject to being spread by wind. To minimize the adverse wind effect, the maximum height for material left in place for more than two (2) weeks is limited to fifteen (15) feet. Stockpiled materials shall be maintained in accordance with the standards set forth in the latest edition of the Virginia Erosion and Sediment Control Manual published by the Virginia Department of Conservation and Recreation, Soil and Water Division.
- (3) Impoundment ponds require submittal of a site plan, including a water quality impact assessment and an Erosion and Sediment Control Plan. If such a pond is proposed to be located in a Chesapeake Bay Preservation Area buffer, a variance submitted in accordance with §154.226 et seq. herein and a wetlands permit from the U.S. Army Corps of Engineers are also required.

### § 154.112 GENERAL LIGHTING STANDARDS

(A) *Purpose and Intent:* The purpose of this section is to provide outdoor lighting standards that will improve safety, minimize glare and light trespass in order to preserve the County's rural character, maintain ease of astronomical viewing, reduce light interference with migratory birds, and conserve energy for businesses and residents of Northampton County.

(B) *Applicability:* Except as provided in Sub-section H. below, all renovations requiring a building permit and all new commercial, industrial, and residential outdoor lighting installations and the replacement of existing outdoor lighting fixtures shall meet the requirements of this Section.