

Minutes

Northampton County Planning Commission

Work Session

May 28, 2014

Those present were Chairman Dixon Leatherbury, Jaqueline Chatmon, Mike Ward, Roberta Kellam and Martina Coker, and Sylvia Stanley. Absent was Hank Heneghan. Also in attendance was Charles McSwain, Director of Development, Peter Stith, Long Range Planner and Melissa Kellam, Zoning Administrator.

A quorum was established and the Chairman called the meeting to order.

The agenda was reviewed. Commissioner Coker recommended discussion of the May 18th memo submitted by Commissioner Kellam be added to the agenda. A motion to accept the agenda with the addendum that the May 18th memo be placed as item A1 on the agenda was made by Commissioner Coker and seconded by Commissioner Kellam. The motion carried 6 to 0.

Commissioner Coker referenced the memo drafted by Commissioner Kellam which compared the timeframe of other municipalities to that of Northampton County in regard to the Comprehensive Plan Review. The data presented noted it generally took 3 to 4 years. Fifty percent of jurisdictions used consultants while the rest used professional in-house planning staff. Most did not have volunteer planning commissioners reviewing and if done, it would take a significant longer amount of time. It was noted that Accomack County took one and a half years to review one chapter, Matthews County took three years with a consultant, Chesapeake five years with a consultant, Albemarle three years with a consultant and Suffolk two years and they are almost finished using a consultant. With all of this information it shows that Northampton County is not behind, but on track with completing the review. Commissioner Coker then asked that Mr. McSwain apologize for his comment at the March 11 public hearing saying the Commission was slow in completing their review. Mr. McSwain replied that he was stating facts and dates that were referenced in the action plan as approved by the Commission. Mr. McSwain stated that he apologizes if his expression lacked a professional demeanor.

Review of the use lists commenced:

Agricultural Uses

1. ~~Agricultural businesses office~~
~~Agricultural business office. A business office to support agricultural operations.~~
2. Agricultural crop production operation.
Agriculture crop production operation. Agriculture for the production of crops other than crops produced by aquaculture, floriculture, horticulture, silviculture and viticulture and any land, structures, buildings and equipment directly related and essential to the function of this operation, including but not limited to any

- administrative office, equipment storage, grading and packing sheds and irrigation systems. This shall not include processing or agricultural support businesses.
3. Agricultural products. Crops, livestock and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, aquaculture, and furs.
No change.
 4. Agricultural research facility
Agricultural research facility. Any research facility used for agricultural research.
No change.
 5. ~~Agricultural use. Any activity associated with the production of food or fiber including but not limited to farming, feedlots, grazing livestock, poultry raising, dairy farming, and aquaculture activities.~~
 6. ~~Agriculture. The use of land devoted to the bona fide production of crops, animals, or fowl for food, fiber or fuel, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, nursery, and floral products; and the production and harvest of products from silviculture and viticulture activity.~~
 7. Agriculture - domestic husbandry
Agriculture - domestic husbandry. Agricultural uses, structures and buildings directly associated with the production and sale of farm animals and livestock ~~of livestock which graze outside and are~~ kept for the majority of their lives unconfined within the property boundaries, but not defined as traditional husbandry or intensive farming. Domestic husbandry shall be fully for home consumption or hobby ~~or home / farm based activities~~. Further, such activities permitted may include riding / boarding and equine training activities. ~~The number of animals for domestic husbandry shall not exceed the following limits at any one time: 2 cattle; 2 swine; 4 horses; 2 sheep; 2 goats; 25 chickens; 25 turkeys; 3 llama or alpacas; 25 ducks; 25 geese, with the combined number of poultry and fowl (chickens, ducks, geese, turkeys, and other domestic birds) not 50.~~ Domestic husbandry shall comply with NCC §154 .1-307.
 8. Agriculture - intensive farming
Agriculture - intensive farming. Agricultural uses, structures and buildings associated with the production of farm animals and livestock livestock which are regulated by the Va. Code as an animal feeding operation, confined animal feeding operation, confined poultry operation or concentrated confined animal feeding operation ~~or exceed the number of permitted animals established for traditional husbandry~~. Intensive farming shall comply with NCC §154 .1-307.
 9. ~~Agriculture—production of a crop for food, fiber or fuel~~
 10. Agriculture - traditional husbandry
Agriculture - traditional husbandry. Agricultural uses, structures and buildings associated with the production of and sale of farm animals and livestock livestock which graze outside and are kept for the majority of their lives unconfined within the property boundaries, not defined as domestic husbandry or intensive farming. Traditional

husbandry maybe fully for home consumption or a part of a person's profession, livelihood or business, ~~but the number of animals shall not exceed the following limits at any one time: 3 cattle; 3 swine; 5 horses; 3 sheep; 3 goats; more than 25 but less than 1,000 chickens; more than 25 but less than 500 turkeys; more than 3 but less than 11 llama or alpacas; more than 25 but less than 500 ducks; more than 25 but less than 500 geese, with the combined number of poultry and fowl (chickens, ducks, geese, turkeys, and other domestic birds) not to exceed 1,000.~~ Traditional husbandry shall comply with §§154 NCC §154 .1-307.

11. Agriculture or agricultural uses – The use of land devoted to the bona fide production of crops, animals, or fowl for food, fiber or fuel, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, nursery, and floral products; and the production and harvest of products from specific types of agriculture such as, but not limited to, aquaculture, floriculture, horticulture, silviculture and viticulture activity.
12. Aquaculture
~~Aquaculture. The propagation, rearing, enhancement, and harvesting of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.~~
13. ~~Aquaculture facility. Any land, structure, or other appurtenance that is used for aquaculture, including but not limited to any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.~~
14. Aquaculture operation
Aquaculture operation. The propagation, rearing, enhancement, and harvesting of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water and any land, structures and buildings directly related and essential to the function of this operation such as, but not limited to any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture. This shall not include processing of food, fiber and fuel or agricultural support businesses. Although other agencies may consider washing and shucking of oyster and clams to be processing, for the purpose of the NHCO Zoning Code only, the shucking of oysters and clams shall not be considered processing, but shall still comply with any other agencies' regulations in regards to how that agency defines processing.
15. Farm animals and livestock. Farm animals and livestock shall mean any animals, other than pets, that may, where permitted, be kept and maintained for commercial production and sale or use by a family for food, fiber, fuel, education or recreation. For the purpose of the NZC, the farm animal definition shall include bees.
16. Floriculture.
~~Floriculture. A discipline of horticulture concerned with the cultivation of flowering and ornamental plants for gardens and for floristry, comprising the floral industry.~~
17. Floriculture operation

- Floriculture operation. A discipline of horticulture concerned with the cultivation of flowering and ornamental plants for gardens and for floristry, comprising the floral industry and any land, structures and buildings directly related and essential to the function of this operation. This shall not include processing or agricultural support businesses.
18. ~~Horticulture.—The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees and cultured sod.~~
19. Horticulture operation. The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees and cultured sod and any land, structures and buildings directly related and essential to the function of this operation. This shall not include processing or agricultural support businesses.
20. ~~Manure storage structures, compost structures and lagoons.~~
21. Migrant labor camp
Migrant labor camp. One or more structures, buildings, tents, barracks, trailers, vehicles, converted buildings, and unconventional enclosures of living space, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters for one or more persons, one or more of whom is a migrant worker engaged in agricultural or fishing activities, including related food processing.
No change.
22. Ponds, agricultural irrigation
Ponds, agricultural irrigation. An impounded water source created by constructing an embankment or excavating a pit that is intended to provide water for irrigation or ~~livestock~~ farm animals and livestock.
23. ~~Silviculture
Silviculture.—Any forest management activity, including, but not limited to, the harvesting of timber, the construction of roads and trails for the forest management purposes and the preparation of property for reforestation.~~
24. Silviculture operation
Silviculture operation. Any forest management activity, including, but not limited to, the harvesting of timber, the construction of roads and trails for the forest management purposes and the preparation of property for reforestation and any land, structures and buildings directly related and essential to the function of this operation.
25. ~~Viticulture
Viticulture.—The cultivation and study of grapes and grapevines.~~
26. Viticulture operation
Viticulture operation. The cultivation and study of grapes and grapevines and any land, structures and buildings directly related and essential to the function of this operation.

27. Winery - licensed farm wineries
Winery - licensed farm. An establishment (i) located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume or (ii) a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.
28. Farm produce or products. Products including but not limited to, horticultural, viticulture, forestry, dairy, livestock, poultry and bee products ordinarily produced by agriculture or agricultural uses.

A motion to accept all the agricultural uses a presented was made by Commissioner Coker and seconded by Commissioner Kellam. The motion carried with all in favor (6-0).

Commissioner Stanley arrived at 6:39pm.

Residential Uses

1. Accessory dwelling. An attached or detached dwelling used as a residence that is subordinate to a single family dwelling and is constructed in conformity with the performance standards in NCC §154 .1-309 Accessory Dwellings and Additional Single Family Dwelling on One Lot.
No change.
2. Family day home (1 - 5 people) and Family day home (6 - 12 people).
Family day home. A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. A family day home serving one through five children, exclusive of the provider's own children and any children who reside in the home shall be

considered as residential occupancy by a single family have no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home.

Commissioner Kellam motioned to accept with a second by Commissioner Coker. The motion carried with all in favor (6-0).

3. Manufactured home double / triple wide manufactured home and Manufactured home single-wide
Manufactured home. A dwelling, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.
No change.
4. Multi-family dwelling or MFD.
Multi-family dwelling. A building or portion of a building containing more than one attached dwelling, each intended for occupancy by a separate family.
No change.
5. Mixed use dwelling, MFD or SFD
Mixed use dwelling. A structure containing two or more separate, self-contained units, which may accommodate different uses concurrently, at least one of which must be designated as a ~~residential~~ dwelling unit. Different uses may occupy different levels in the structure, or may exist side by side, and all uses must be allowed in the district.
When the mixed-use dwelling contains one dwelling unit it shall be denoted as a SFD mixed use and when it contains two or more dwelling units it shall be denoted as a MFD mixed use.
Needs a vote.
6. **Residential or residential uses. Uses providing a place for a person to live and establish a home.**
Needs a vote.
7. **Residential facility (1 – 8 people) and Residential facility (more than 8 people)**
Residential facility. Any assisted living facility, group home or other residential facility for which the Department of Behavioral Health and Developmental Services or Department of Social Services is the licensing authority pursuant to the VA Code. When no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, or no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, the residential facility shall be considered as residential occupancy by a single family and have no conditions more

restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.

Motion to accept Commissioner Coker, Seconded by Commissioner Kellam. Motion carried with all in favor 6-0).

8. Single-family dwelling attached or SFD attached.
Single-family dwelling. A building or portion of a building containing a dwelling that is intended for occupancy by a family.
Dwelling, attached. A dwelling that is connected or shares a common wall(s) with a separated building **and in the case of a single-family attached dwelling, shares a common property line.**
Motion to accept Commissioner Coker, Seconded by Commissioner Kellam. Motion carried with all in favor (6-0).

9. Single-family dwelling detached or SFD detached
Single-family dwelling. A building or portion of a building containing a dwelling that is intended for occupancy by a family.
Dwelling, detached. A dwelling that is not attached to another building and surrounded by yards on all sides on the same lot.
No change.

11. Temporary emergency housing
The temporary placement of a home on the property as an accessory structure for the purpose of providing emergency housing for the displaced occupants pursuant to NCC §154 .1-303 Temporary Emergency Housing.
No change.

12. Temporary family health care housing
A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled at a location other than its site of installation and is limited to one occupant who shall be the mentally or physically impaired person. The structure shall be no larger than 300 gross square feet pursuant to NCC §154 .1-304 Temporary Family Health Care Housing.
No change.

Community Uses

~~Institutional or institutional use. Public and public/private group use of a nonprofit nature, typically engaged in public community service.~~

1. **Community or Community Uses. Uses that provide a public services for the benefit of the community in which they are located. Usually furnished by the government or institution but which may also be provided by private and or non-profit enterprise, but are typically nonprofit.**

Commissioner Kellam motioned to approve change, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

Care and Housing

1. Adult day care center

Adult day care center. Any facility that requires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirmed or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

No change.

2. Child day center

Child day center. A child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

No change.

3. Family day home (6 - 12 people)

~~Dwelling—family day home. A dwelling which houses a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children.~~

Family day home. A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. A family day home serving one through five children, exclusive of the provider's own children and any children who reside in the home shall be considered as residential occupancy by a single family have no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home.

Commissioner Kellam voted to approve the change with a second from Commissioner Coker. The motion carried with all in favor (6-0).

4. Hospital
Hospital. A licensed and state-accredited health care institution in which sick or injured persons are given inpatient or outpatient medical or surgical treatment.
No change.
5. Medical facility
Medical facility. Any of a variety of facilities designed for outpatient treatment of patients without overnight stay which may include offices, urgent care or outpatient services.
No change.
6. Prison
Prison. A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of law.
No change.
7. Residential facility (more than 8 people)
Residential Facility. Any assisted living facility, group home or other residential facility for which the Department of Behavioral Health and Developmental Services or Department of Social Services is the licensing authority pursuant to the VA Code. When no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, or no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, the residential facility shall be considered as residential occupancy by a single family and have no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.
Commissioner Kellam voted to accept with a motion from Commissioner Coker. The motion carried with all in favor (6-0).

Assembly

1. Civic groups, clubs and organizations
~~Civic groups, clubs and organizations. An association of people for some common intended purpose over a long period of time under legally structured, not for profit means valid within the Commonwealth of Virginia.~~

Civic groups, clubs and organizations. A use providing educational, meeting, recreational and / or social facilities for an association of people for some common intended purpose over a long period of time under legally structured, not for profit means valid within the Commonwealth of Virginia.
Needs a vote.
2. Religious institution, place of worship
Religious institution, place of worship. A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.

Needs a vote.

Schools

1. College
College. An institution that provides full time or part time education beyond high school **including associated research facilities.**
Commissioner Kellam motioned to accept the changes as presented, with a second from Commissioner Coker. The motion carried with all in favor (6-0).
2. Educational services
Educational services. Services which are primarily education, including public, non-profit and profit establishments.
No change.
3. School, primary or secondary
School, primary or secondary. A school with grades pre-K through twelfth grade.
No change.

Parks and Open Space

1. Golf course
Golf course. A tract of land laid out with at least 9 holes for playing a game of golf and improved with tees, greens, fairway and hazards. A golf course includes a clubhouse and shelter as accessory uses.
No change.
2. Park, ~~may include indoor / outdoor recreation~~
Park, ~~may include indoor / outdoor recreation~~. A bordered open space, with planned upkeep and maintenance which may include children's playground, tennis courts, fitness trail, nature trail, and other low-impact facilities.
Needs a vote.
3. Recreational playing field
Recreational playing field. A **community use consisting of a** maintained field(s) which may include restroom facilities and locker room facilities intended for scheduled sports events and other field activities.
Commissioner Kellam motioned to accept the changes as presented with a second from Commissioner Coker. The motion carried with all in favor(6-0).
4. Wildlife and marine life preservation area
Wildlife and marine life preservation area. An area of property dedicated to the preservation or protection of endangered species, a critical environmental feature, or other natural feature.
No change.

Public Services

1. Cemetery
Cemetery. Land used or dedicated for the burial of the dead including crematoriums, mausoleums, necessary sales and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.
No change.

2. Emergency services
Emergency services. The conduct ~~of publicly owned~~ safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.
Needs a vote.

3. Government offices
Government offices. A building or structure owned, operated or occupied by governmental agency to provide a governmental service to the public.
No change.

4. ~~Kennel or pound~~
~~Kennel or pound. 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.~~

Animal shelter or pound. A facility used to house and care for stray, homeless, abandoned or unwanted animals and that is operated by a public body or nonprofit organization devoted to the welfare, protection and humane treatment of animals.

Commissioner Coker motioned to accept the changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

Kennel – move to commercial uses.

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, may also include accessory retail sales of products related to the services provided.

Commissioner Kellam motioned to accept the changes as presented with a second from Commissioner Coker. The motion carried with all in favor (6-0).

5. Library
Library. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.
No change.

6. Museum
Museum. A facility designed to display and provide an interpretive context to art, artifacts, lifestyles, industry, history, events, processes, and / or collections.
No change.

7. Research facility – move to commercial uses.
Research facility. A commercial use for ~~R~~research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products.

Commissioner Kellam motioned to accept as presented, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

Transportation

1. Airfield
Airfield. Any facility designed for the purpose of allowing aircraft to take off or to land.
No change.
2. Heliport
Heliport. A facility for helicopter take-off and landing which may include appurtenant facilities and services such as fuel, parking, maintenance, and storage.
No change.
3. Marina
Marina. Any installation providing dockage or moorage for boats (exclusive of paddle or row boats) and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or its lessee, renters or users of its facilities.
No change.
5. Transit center
Transit center. The property, equipment, and improvements of whatever nature owned, used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations and parking lots.
No change.
6. Transit stop
Transit stop. Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, signs, structures, and other improvements to provide security, protection from the weather, and access to nearby services.
No change.

Utilities

1. Basic utilities
~~Basic utilities. All lines or facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication, and telephone and includes facilities for generation and transformation of fuels into energy utilities.~~

Basic utilities. The use of land by a public utility subject to the jurisdiction of the Virginia State Corporation Commission to support and provide service to developed areas within the locality related to water supply, stormwater, sanitary sewage, oil, gas, electricity, telephone, cable, internet and broadband.

Needs a vote.

2. Utility distribution plant or yard

~~Utility distribution plant or yard. A facility used for support of local utilities which may include water, sanitary sewer, electric, broadband or the similar utilities used by local consumers.~~

Utility distribution plant or yard. The use of land by a public utility subject to the jurisdiction of the Virginia State Corporation Commission to support and provide service to developed areas within the region related to water supply, stormwater, sanitary sewage, oil, gas, electricity, telephone, cable, internet and broadband. Included facilities for the distribution, storage and transmission ~~and generation~~ of such utilities.

Commissioner Chatmon motioned to accept as presented with a second from Commissioner Stanley. The motion carried with all in favor (6-0).

Add Electric Generation Facility.

Electric Generation Facility. The use of land by a public utility subject to the jurisdiction of the Virginia State Corporation Commission to generate electricity.

Commissioner Kellam motioned to accept as presented with a second from Commissioner Coker. The motion carried with all in favor (6-0).

3. Waste water treatment plant

Waste water treatment plant. The facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. "Wastewater treatment plant" specifically excludes any facility or group of units used for pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters.

No change.

4. Wind energy facilities/test facility/turbines large and utility-scale

Wind energy facility. An electricity-generating facility consisting of one or more wind turbines, utility scale or large scale, under common ownership or operating control that includes substations, cables / wires, foundations, access roads, crane platforms and other building accessories to such facility, whose main purpose is to supply electricity to off-site customers.

Wind ~~energy~~ test facility. An electricity-generating facility consisting of one or more wind turbines, utility scale or large scale, under common ownership or operating control that includes substations, cables / wires, foundations, access roads, crane platforms and other building accessories and any testing equipment, such as but not limited to, METMASTS to such facility, whose main purpose is to test and certify new wind turbines.

Wind turbine, large scale. A wind turbine with a rated capacity of greater than 100 kW but less than 1 MW (primarily used for on-site utilization of electricity).

Wind turbine, utility scale. A wind turbine with a rated capacity of 1 MW or greater.
No change.

5. Wind turbine, **small scale** and wind mills, ~~small~~, ≤ 35 ft. in total height

Wind turbine. A structure that converts wind energy into electricity through the use of a wind turbine generator, along with its associated rotors, blades, tower, wiring and pad transformer.

Windmill. A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water. A windmill is not a wind energy conversion system.
No change.

6. Wind turbine, small **scale** > 120 ft. and ≤ 199 ft. in total height
Wind turbine, small **scale** > 35 ft. and ≤ 120 ft. in total height
Wind turbine, small **scale** >120 ft. and ≤ 199 ft. in total height
Wind turbine, small **scale** ≥ 35 ft. and ≤120 ft. in total height
Wind turbine, small **scale** and wind mills ≤ 35 ft. in total height

Wind turbine, small scale ~~Small wind turbines~~. A system with a rated capacity of not more than 10 kW for residential use and not more than 100 kW for other uses and used solely for onsite use of electrical power.
No change.

Telecommunications and Wireless Communication Facilities

1. Meteorological towers
Meteorological tower or met tower. A temporary tower used to measure wind speed and direction.
No change.

2. Wireless communication facilities

Wireless communication facility (WCF). Any unstaffed facility for the transmission and / or reception of wireless communications services, usually consisting of an antenna array, transmission cables, equipment facilities, and a support structure.

Wireless communications. Any wireless services as defined in the Federal Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

No change.

Commercial Uses

Services and Sales

1. **Agricultural support business**
Agricultural support business. Business uses that supply necessary services and sales to the agricultural uses such as, but not limited to, grain storage, wholesale brokerage house, equipment repair, equipment sales and fertilizer sales. This shall not include processing of agricultural products.
Motion to accept mad by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

2. **Commercial services**
~~Commercial services. Retail establishments that primarily render services including but not limited to repair of building systems, laundries, copy shops, printing services, package and postal services, photo processing, janitorial services, and similar uses. Commercial services shall not include commercial vehicle services.~~

Commercial services. A business use that renders services to other businesses, groups and individuals on a fee or contract basis such as, but not limited to, building systems, laundries, copy shops, printing services, package and postal services, photo processing, janitorial services, and similar uses. Commercial services shall not include vehicle services.
Motion to accept made by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

3. **Commercial services ≤ 4,000 2,500 square feet**
~~Commercial services ≤ 4,000 2,500 square feet. A business use, with a total floor area of 4,000 2,500 square feet or less, that renders services to other businesses, groups and individuals on a fee or contract basis such as, but not limited to, building systems, laundries, copy shops, printing services, package and postal services, photo processing, janitorial services, and similar uses. Commercial services shall not include vehicle services.~~
Motion to accept made by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

4. **Fishing, commercial**
~~Fishing—finfish and shellfish. The activity of catching finfish and shellfish for commercial profit.~~

Fishing, commercial. A business use that catches finfish or shellfish for profit including any land, structures, buildings and equipment directly related and essential to the function of this uses, such as, but not limited to, any landing, administrative office, equipment storage and grading and packing sheds. This shall not include processing of finfish or shellfish. Although other agencies may consider washing and cleaning of finfish and shellfish to be processing, for the purpose of the NHCO Zoning Code only, the washing and cleaning of finfish and shellfish shall not be considered processing.
Motion to accept made by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

5. **Hunting, commercial**
~~Hunting. Commercial hunting of wildlife.~~

Hunting, commercial. A business use that catches or harvests wildlife for profit or provides an opportunity and hunting experience to others to catch wildlife. This use includes any land, structures, buildings and equipment directly related and essential to the function of this uses such as, but not limited to, any stands, blinds, administrative office and equipment storage. This shall not include processing of wildlife. Although other agencies may consider field dressing of wildlife to be processing, for the purpose of the NHCO Zoning Code only, field dressing of wildlife shall not be considered processing.

Motion to accept made by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

6. Office, professional or business

~~Office, professional or business. Establishments providing business services such as insurance agencies, title insurance companies, real estate offices and / or the office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.~~

Office, professional or business.

Office, professional or business. A business use that transacts the affairs of a profession, business, service, industry or government, offices such as, but not limited to, accounting, auditing, bookkeeping, advertising, architecture, engineering, attorneys, medical, dental, insurance, real estate and others.

Motion to accept made by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

7. Office, professional or business ≤ ~~4,000~~ 2,500 square feet

~~Office, professional or business ≤ 4,000 2,500 square feet. A business use, with a total floor area of 4,000 2,500 square feet or less, that transacts the affairs of a profession, business, service, industry or government, offices such as, but not limited to, accounting, auditing, bookkeeping, advertising, architecture, engineering, attorneys, medical, dental, insurance, real estate and others.~~

Motion to accept made by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

8. ~~Personal services and sales~~

~~Personal services. Establishments providing non-medically related services, including but not limited to beauty and barber shops, clothing rental, dry cleaning pick up stores, laundromats (self-service laundries), psychic readers, shoe repair shops, tanning salons. These uses may also include accessory retail sales of products related to the services provided.~~

Personal services

Personal services. A business use that renders services to other individuals on a fee or contract basis that address an individual's needs and necessities such as, but not limited to, barber and beauty shops, tanning salon, psychic reader, shoe repair. Personal services shall not include vehicle services. These uses may also include accessory retail sales of products related to the services provided.

Commissioner Coker motioned to accept changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

9. Personal services and sales ≤ ~~4,000~~ 2,500 square feet

~~Personal services and sales ≤ 4,000 square feet. A business use, with a total floor area of 4,000 2,500 square feet or less, that renders services to other individuals on a fee or contract basis that address an individual's needs and necessities such as, but not limited to, barber and beauty~~

shops, tanning salon, psychic reader, shoe repair. Personal services shall not include vehicle services. These uses may also include accessory retail sales of products related to the services provided.

Commissioner Kellam motioned to accept as presented with a second from Commission Chatmon. The motion carried with all in favor (6-0).

10. ~~Sales, agricultural products and accessory goods~~

~~Sales, agricultural products and accessory goods. The sale of agricultural produce, products and accessory goods. Need vote to delete use.~~

Farm stand. A seasonal business selling agricultural produce and products including added value products made from the agricultural produce or products. A farm stand shall not be a permanent structure, shall not be affixed to the ground, shall comply with all applicable building codes and includes structures such as canopy tents and stands. Farm stands shall also include vehicles and mobile cart properly registered and licensed by the Virginia Department of Motor Vehicles.

Commissioner Coker motioned to accept changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

11. Artist and artisan studio.

Artist and artisan studio. A workshop facility for creating art and artisan works that may include sales, galleries and private instruction facilities.

Commissioner Coker motioned to accept changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

12. ~~Commercial~~ vehicle services

~~Commercial~~ ~~Vehicle~~ services. A business whose primary function is the service and repair of vehicles.

Commissioner Coker motioned to accept changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

13. Working waterfront business

Working waterfront business. Business uses that depend upon and cannot function without water and are located on, over or adjacent to or have direct access to a body of water such as, but not limited to, fishing, aquaculture, docks, wharfs, boat ramps, marinas, marine transportation, shipping, ports, harbors as opposed to a use that may be enhanced by the water such as, but not limited to, restaurants and housings.

Commissioner Coker motioned to accept changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

14. Working waterfront support business

Working waterfront support business. Business uses that supply necessary services and sales to the working waterfront businesses such as, but not limited to, boat building, repair, storage and hauling, seafood grading, packaging and sales and marine equipment sales and storage. Working waterfront support business does not include processing.

Commissioner Coker motioned to accept changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

Food Services

1. Restaurant
Restaurant. Any place where food is prepared for service to the public on or off the premises, or any place where food is served **with or without drive through service.**
Commissioner Kellam motioned to accept the changes as presented with a second from Commissioner Chatmon. The motion carried with all in favor (6-0).

2. Restaurant
Restaurant ≤ 2,500 square feet with no drive through service. Any place where food is prepared for service to the public on or off the premises, ~~or any place where food is served~~ with a total floor area of 2,500 square feet or less with no drive through service.
Commissioner Coker motioned to approve the changes as presented with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

3. ~~Retail food and beverage production~~
~~Retail food and beverage production. Any establishment selling food or beverages for consumption off premises either immediately or with further preparation.~~

Retail food and beverage production
Retail food and beverage production. Any establishment that stores, prepares and / or packages, but does not serve, foods or beverages for retail sale for consumption off-premises either immediately or with further preparation.

Lodging

1. Bed and breakfast
~~Bed and breakfast or "bed and breakfast establishment." Any establishment (i) having no more than 15 guest rooms, (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.~~

Bed and breakfast or "bed and breakfast establishment." Any establishment (1) having no more than 15 guest rooms, (2) offering to the public, for compensation, transitory lodging or sleeping accommodations; (3) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided; (4) the property where the bed and breakfast is located must be occupied by the owner; (5) the guest rooms must be located within the owner's residence or within accessory dwelling unit accessory to the owner's residence.
Motion to accept as presented was made by Commissioner Coker with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

2. Inn
~~Inn. A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to 10 lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room.~~

Inn. Any establishment (1) having no more than 15 guest rooms, (2) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (3) may offer meals to guest and general public.
Motion to accept as presented was made by Commissioner Coker with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

4. Recreational vehicle park and camp grounds

Recreational vehicle park and camp grounds. A commercial use providing space and facilities for tents, motor homes or other recreational vehicles and tents for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, ~~or are stored~~, are not included.

Motion to accept as presented was made by Commissioner Kellam, with a second from Commissioner Coker. The motion carried with all in favor (6-0).

Recreation

2. Recreation and sports, shooting related
Recreation and sports, shooting related. A **commercial** sport or recreational activity which utilizes guns or other weapons as part of the activity.

Commissioner Kellam motioned to accept as presented with a second from Commissioner Coker. The motion carried with all in favor (6-0).

3. Recreation, outdoor
Outdoor recreation. A **commercial** recreational land use conducted outside of a building, characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood, including but not limited to athletic fields, miniature golf, skateboard park, swimming bathing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages, trampoline facilities.

Motion to accept as presented was made by Commissioner Coker with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

4. Recreation, Indoor
Indoor recreation. A **commercial** recreational land use conducted entirely within a building, including but not limited to arcade, arena, ~~art gallery and studio~~, art center, ~~assembly hall~~, athletic and health clubs, auditorium, bowling alley, ~~club or lounge~~, ~~community center~~, ~~conference center~~, exhibit hall, gymnasium, ~~library~~, movie theater, ~~museum~~, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

Commissioner Kellam motioned to accept the changes as presented with a second from Commissioner Chatmon. The motion carried with all in favor (6-0).

~~Motorized and motor vehicle related sports and recreation. A sport or recreational activity which utilizes a motorized craft or vehicle as part of the activity.~~

Industrial Uses

Industrial or industrial uses. Uses relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

1. Industrial services
~~Industrial services. Services such as but not limited to dry cleaning plants, metal, machine and welding shops, cabinetry and woodworking shops, furniture upholstery shops, and similar businesses engaging in custom fabrication and repair.~~

Industrial services. Business uses that provide industrial services such as, but not limited to, dry cleaning plants, metal, machine and welding shops, cabinetry and woodworking shops, furniture upholstery shops, and similar businesses engaging in custom fabrication and repair, to other businesses, groups and individuals.

Needs a vote.

2. **Sale of propane. A use engaged in the retail sale, wholesale, storage and distribution of combustible materials other than gasoline service stations.**

A motion to accept the change as presented was made by Commissioner Coker with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

The Commissioners went through the following uses to determine how the uses should be permitted in the districts (SUP vs. By Right)

Agricultural crop production – motion to permit the use in conservation, agricultural, hamlet, and village, residential, residential-1, residential-3, residential-5 and residential mixed was made by Commissioner Coker with a second from Commissioner Chatmon. The motion carried with all in favor (6-0).

Agricultural Support Business – motion to permit the use in commercial, village-commercial industrial, agricultural and special use in hamlet was made by Commissioner Coker, with a second from Commissioner Kellam. The motion carried with all in favor (6-0).

Aquaculture Operation – motion to permit the use in all districts except Planned Unit Developments was made by Commissioner Kellam, with a second by Commissioner Coker. The motion carried with all in favor(6-0).

Basic Utilities – motion to permit the use in all districts. The motion was made by Commissioner Kellam and seconded by Commissioner Coker. The motion carried with all in favor (6-0).

Civic groups/Clubs & Organizations – motion to require special use permit in conservation, and permit in all other districts by Commissioner Kellam and seconded by Commissioner Chatmon. The motion carried with all in favor (6-0).

Commercial services ≤ 2500 sq. ft. – motion made by Commissioner Kellam that the use not be permitted in conservation, working waterfront, Cottage Community, residential-1, residential-3, residential-5. Require a special use permit in agricultural, residential and residential mixed, permitted in village, hamlet, village waterfront business, village commercial, commercial and industrial. A second was made by Commissioner Coker with all in favor. The motion carried (6-0).

Fishing Commercial – motion to permit this use in all districts except the Planned Unit Development was made by Commissioner Kellam with a second from Commissioner Coker. The motion carried (6-0).

Industrial Services – motion to permit in village commercial, commercial and industrial, special use in agricultural and hamlet districts was made by Commissioner Coker and seconded by Commissioner Ward. The motion carried with all in favor (6-0).

Office Professional Business ≤ 2500 sq. ft – motion to allow by special use in agricultural and permit in hamlet, village, village commercial, village waterfront business, commercial, industrial, residential and residential mixed districts was made by Commissioner Kellam with a second from Commissioner Coker. The motion carried with all in favor (6-0).

Artist/Artisan Studio – motion by Commissioner Kellam to permit the use in all districts. There was a second from Commissioner Coker. The motion carried with all in favor (6-0).

Working Waterfront Business – “put to the side for later date”

Sale of propane – Motion made by Commissioner Kellam to require special use in commercial, and permit in industrial. The motion was seconded by Commissioner Coker and carried with all in favor (6-0).

Electric Generation Facility – Motion by Commissioner Kellam to require a special use permit industrial. The motion was seconded by Commissioner Coker and carried with all in favor (6-0).

The Commission took a 5 minute break.

The meeting was called back to order by Chairman Leatherbury.

Chairman Leatherbury asked for direction on how to proceed with presenting the document to the Board of Supervisors. Commissioner Kellam put forth a motion recommending *that the Board withdraw all applications related to Zoning, Floodplain Management and the Chesapeake Bay Preservation Act, and work with the Planning Commission to amend the Zoning Code in a manner that (1) is consistent with the Comprehensive Plan, (2) considers impacts to agriculture, aquaculture, tourism, economic development, affordable housing, sewer and water infrastructure, schools, transportation, groundwater, surface waters and natural resources, and (3) utilizes the Planning Commission's review and recommendations on specific Zoning Code provisions that have been completed between March 11 and May 28, 2014.* The motion was seconded by Commissioner Coker.

Discussion – There was lengthy discussion regarding the process, it was suggested that stake holders be involved to address their concerns in a cooperative way with the Board of Supervisors and Planning Commission. It was noted that many issues of concern at this point have not been addressed and will not be addressed. Questions were raised about whether the Board would kick the document back or move forward. Mr. Stith stated the Board has several options. They could move forward, send it back to the Commission, they could review and approve some sections and amend others or they could simply rescind the entire document. Commissioner Kellam and Commissioner Coker spoke of their discomfort of submitting this document that they have not had the ability to thoroughly review and consider and state this as the Commission's recommendation. The motion was submitted and failed 2 to 3 with Commissioners Coker and Kellam voting in favor and Commissioners Ward, Stanley and Chatmon against.

Chairman Leatherbury asked for a motion of when and to send the cover letter to the Board. A motion was made by Commissioner Ward to send the cover letter at the earliest convenience. The motion was seconded by Commissioner Chatmon and passed 3-2. Commissioners Ward, Chatmon and Stanley in favor and Commissioners Kellam and Coker against.

Commissioner Kellam left at 9:00pm.

Reviewed the use of Agricultural Domestic Husbandry – motion made by Commissioner Coker to permit the use in conservation, agricultural, hamlet, village, R-3 and R-5. The motion was seconded by Commissioner Chatmon and carried with all in favor (5-0).

Family Day Homes greater than five performance standards – A motion was made by Commissioner Coker to accept the performance standards as presented. The motion was seconded by Commissioner Stanley and carried with all in favor (5-0).

Mr. Stith noted that the Commission has never voted to include the working waterfront and village waterfront business districts in the uses. Commissioner Ward motioned to establish the Village Waterfront Business and Working Waterfront Districts as part of the zoning code and to

remove the Village Waterfront Commercial District. The motion was seconded by Commissioner Chatmon. The motion carried with all in favor (5-0).

Mr. Stith informed the Commission of the items on the agenda and provided them the packets for the June 3rd hearing, noting four AFD's and a variance request will be reviewed.

With no further business Commissioner Coker made a motion to adjourn until June 3rd. The motion was seconded by Commissioner Stanley and carried with all in favor (5-0).

Chairman

Secretary