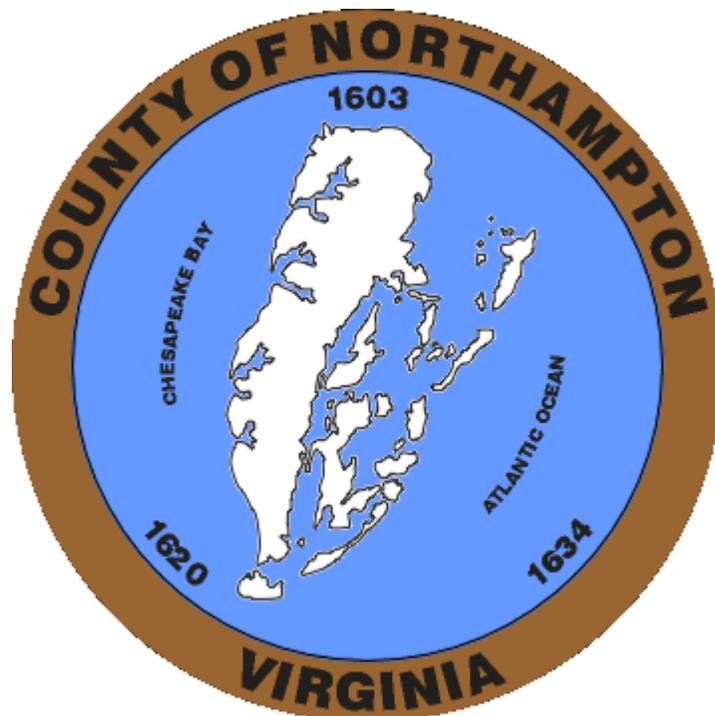


**NORTHAMPTON COUNTY  
VIRGINIA**

**APPENDIX D: 2000 ZONING CODE**



**ZONING ORDINANCE  
ADOPTED: APRIL 12, 2016**

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**§ 154.001 – 004 GENERAL PROVISIONS**

**§ 154.001 AUTHORITY.**

This chapter, to be cited as the Zoning Ordinance of Northampton County, Virginia, is ordained, enacted and published by the Board of Supervisors of Northampton County, Virginia, pursuant to the provisions of VA Code Title 15.2, Chapter 22, Article VIII, as amended.

**§ 154.002 INTENT AND PURPOSE.**

(A) Intent. This chapter is intended to be in accord with and to implement the goals, objectives and policies set forth in the Comprehensive Plan of Northampton County adopted by the Board of Supervisors of Northampton County.

(B) Purposes. The regulations that follow are part of a comprehensive and long-range program to guide and facilitate the orderly and economic growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purpose of these regulations is to:

(1) Provide for adequate light, air, convenience of access and safety from fire, flood and other dangers;

(2) Reduce or prevent congestion in the public streets;

(3) Facilitate the creation of a convenient, attractive and harmonious community;

(4) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

(5) Protect against destruction of or encroachment upon historic areas;

(6) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities or natural resources existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;

(7) Encourage economic development activities that provide desirable employment and enlarge the tax base;

(8) Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;

(9) Protect the marine environment for the preservation of the waters of the Chesapeake Bay, the Atlantic Ocean, and the seafood industry;

(10) Protect surface water and ground water by means not inconsistent with applicable state water quality standards;

(11) Provide for the orderly development of the county in order to conserve valuable natural resources, including farmland, forests, dunes, wetlands, waters and wildlife;

(12) Allow for the provision within the county of a supply of safe, sanitary, affordable housing, in suitable environments, with a balance and variety of types adapted to age groups and family structures;

(13) Allow for the excavation or mining of soil or other natural resources;

(14) Reduce or prevent sedimentation and soil erosion; and

(15) Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities.

#### **§ 154.003 DEFINITIONS.**

(A) General usage. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified. In this chapter, words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise. Certain frequently used words and terms are herein defined as follows:

(1) The word **MAY** is permissive;

(2) The word **SHALL** is mandatory;

(3) The word **BUILDING** includes the word **STRUCTURE**;

(4) The word **LOT** includes the words **PLOT** and **PARCEL**;

(5) The word **USED** shall be deemed also to include **DESIGNED, ERECTED, RECONSTRUCTED, ALTERED, PLACED** or **MOVED**.

(6) The terms **LAND USE** and **USE OF LAND** shall be deemed also to include **BUILDING USE** and **USE OF A BUILDING**;

(7) The word **STATE** means the Commonwealth of Virginia;

(8) The word **TOWN** means the incorporated towns of Northampton County Commonwealth of Virginia, and the terms **TOWN BOUNDARY** means any exterior boundary of

an incorporated town;

(9) The word **COUNTY** means the County of Northampton, Commonwealth of Virginia, and the terms **COUNTY BOUNDARY** means any exterior boundary of the county or any boundary of unincorporated territory within the county;

(10) The word **PERSON** includes a firm, association, organization, partnership, trust, company, corporation, partnership and bodies politic and corporate as well as an individual;

(11) The words **BOARD OF APPEALS** shall mean the Board of Zoning Appeals of Northampton County, Virginia and/or the incorporated town(s);

(12) The words **PLANNING COMMISSION** shall mean the Joint-Local Planning Commission of Northampton County, Virginia, and/or the incorporated town(s);

(13) The words **TOWN COUNCIL** shall mean the governing body of the incorporated town(s);

(14) The word **ADJACENT** means abutting.

(B) Interpretation by Zoning Administrator. In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Zoning Administrator is authorized to make a definite determination thereof, being guided in such determination by the purposes and intent of this chapter as set forth in § 154.002; provided, however, that an appeal may be taken from any such determination as provided in §§ 154.225 et seq. In the absence of a specific definition, words shall be given the generic meaning provided by the current edition of the Webster Collegiate Dictionary.

(C) Specific definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESS.** A way or means of approach or admission.

**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 §154.111

**ACCESSORY USE OR STRUCTURE.** A use or structure which is: (1) Clearly incidental to and customarily found in connection with the principal use and structure; (2) Is subordinate to and serves the principal use or structure; (3) Is located on the same lot or parcel as the principal use or structure; and (4) Is not, in case of accessory structures, attached by any common wall or by a common roof to a principal structure. Any use or structure which poses a demonstrated environmental hazard or requires a permit from a regulatory authority other than the Health Department shall not be deemed an accessory use or structure.

**ACREAGE.** Any parcel of land described by metes and bounds on the county's tax maps and not

shown on a plat of a recorded subdivision legally admitted to record.

**ADMINISTRATOR.** The Zoning Administrator of Northampton County and of incorporated towns under the jurisdiction of this chapter.

**AGRICULTURAL LANDS.** Those lands used for the planting and harvesting of crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising of poultry and/or livestock.

**AGRICULTURAL OPERATION.** Any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity and aquaculture.

**AGRICULTURAL PRODUCTS.** Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

**AGRICULTURAL-RELATED PRODUCTS.** Hand crafted agricultural theme items sold in conjunction with agricultural products and value added agricultural products at a farm market hand crafted by the owners or operators of the agricultural operation. Additional items may be displayed or sold as long as the display of these additional items does not exceed ten percent (10%) of the floor area of the farm market.

**AGRICULTURE - DOMESTIC HUSBANDRY.** Agricultural uses, structures and buildings that meet the following criteria: (1) Shall comply with §154.110 Domestic Husbandry, Traditional Husbandry and Intensive Farming Uses, Facilities, Structures and Buildings; (2) Shall be directly associated with the production and sale of farm animals or livestock kept for the majority of their lives unconfined within the property boundaries; (3) Shall be fully for home consumption or hobby; (4) May include riding / boarding and equine training activities; and (5) Shall not include uses, structures and building defined as agricultural – traditional husbandry; but may include smaller confined animal feeding operation, confined poultry operation or concentrated confined animal feeding operation regulated by the Va. Code which are not required to obtain an individual Virginia Pollution Abatement (VPA) Permit or an individual Virginia Pollutant Discharge Elimination (VPDES) Permit and have met the above criteria.

**AGRICULTURE - INTENSIVE FARMING.** Agricultural uses, structures and buildings that meet the following criteria: (1) Shall comply with §154.110 Domestic Husbandry, Traditional Husbandry and Intensive Farming Uses, Facilities, Structures and Buildings; and (2) Shall be directly associated with the production of farm animals or 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; except those meeting the definition for agricultural – domestic husbandry or agricultural – traditional husbandry.

**AGRICULTURE - TRADITIONAL HUSBANDRY.** Agricultural uses, structures and buildings that meet the following criteria: (1) Shall comply with §154.110 Domestic Husbandry, Traditional Husbandry and Intensive Farming Uses, Facilities, Structures and Buildings; (2)

Shall be directly associated with the production and sale of farm animals or livestock kept for the majority of their lives unconfined within the property boundaries; (3) May be fully for home consumption or a part of a person's profession, livelihood or business; and (4) Shall not include uses, structures and building defined as agricultural – domestic husbandry; but may include smaller confined animal feeding operation, confined poultry operation or concentrated confined animal feeding operation regulated by the Va. Code which are not required to obtain an individual Virginia Pollution Abatement (VPA) Permit or an individual Virginia Pollutant Discharge Elimination (VPDES) Permit and have met the above criteria.

**AIRPORT.** (Includes airfields, flight strips, heliports or glide ports). A place where aircraft may take off or land, discharge or receive cargoes and/or passengers.

**ALLEY.** A permanent service way providing a secondary means of vehicular access to abutting properties or structures and not intended for general traffic circulation.

**ALTERATION.** Any change in the total floor area, use or design of an existing structure.

**AMEND or AMENDMENT.** Any repeal, modification or addition to a regulation; any new regulation; any change in number, shape, boundary or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

**AMUSEMENT PARK.** An outdoor commercial recreational area of a permanent nature offering amusements, diversions and entertainments, whether operated seasonally or continually.

**APARTMENT HOUSE.** A building containing three or more dwelling units which serves as the residence of three or more families living independently of each other.

**ARCHITECT.** A person licensed to practice as an architect in the Commonwealth of Virginia.

**ATRIUM HOUSE.** The atrium house is a single-family, attached, one-story dwelling unit with individual access. The lot is fully enclosed by a wall at least seven feet high. A private yard, called an atrium, is included on each lot.

**BASEMENT.** The lowest story of a building having part but not less than one-half of its height below grade.

**BASE PARCEL.** The area enclosed by the property lines existing in the public records of the county on the date of adoption of this chapter.

**BEACH.** The shoreline zone composed of unconsolidated sandy material upon which there is mutual interaction of the forces of erosion, sediment transport and deposition that extends from the low water line landward to where there is a marked change in either material composition or physiographic form such as a dune, bluff, or marsh, or where no such change can be identified, to the line of woody vegetation (usually the effective limit of storm waves), or the nearest impermeable manmade structure, such as a bulkhead, revetment, or paved road. For the purposes of this chapter, BEACH is also included by reference in the definition of **COASTAL PRIMARY**

**SAND DUNE**, consistent with VA Code § 28.2-1400.

**BED AND BREAKFAST**. A dwelling unit, other than a motel, hotel, rooming or boarding house, where, for compensation, lodging and/or meals are furnished to overnight transients, such facility having no more than four bedrooms, and is occupied by the owner of the unit or a resident manager.

**BEST MANAGEMENT PRACTICES** or **BMP'S**. A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

**BILLBOARD**. See **SIGN, GENERAL OUTDOOR ADVERTISING**.

**BLOCK**. That property abutting one side of the streets, and lying between the nearest intersection or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing in any barrier to the continuity of development.

**BOARD OF SUPERVISORS**. The Board of Supervisors of Northampton County, Virginia.

**BOARD OF ZONING APPEALS**. The Board of Zoning Appeals of Northampton County and any Board of Zoning Appeals of an incorporated town under the jurisdiction of this chapter.

**BOARDING OR ROOMING HOUSES**. A dwelling unit other than a motel, hotel or inn, in which, for compensation, lodging and meals are furnished to people for long periods of time.

**BOAT HOUSE**. A single-story structure limited to the storage of watercraft and/or watercraft equipment and constructed over the water.

**BOAT LANDING**. A structure designed to launch and recover watercraft and including supporting facilities such as parking and storage.

**BUFFER AREA**. An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

**BUFFER (SCREENING)**. A device or vegetated growth, or a combination thereof, designed or used as a barrier to vision or noise between adjoining properties or land uses. A vegetated buffer may be opaque, intended to create a strong impression of spatial separation and to preclude visual contact; or semi-opaque, intended to maintain a sense of spatial separation and to partially block visual contact.

**BUILDABLE AREA**. The area of a lot or parcel remaining after required yards, open spaces, parking, loading and access areas have been provided. When related to open space ratio, **BUILDABLE AREA** shall be the upland portion of a base parcel.

**BUILDING.** A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

**BUILDING, ACCESSORY.** See **ACCESSORY USE OR STRUCTURE** as defined in this section.

**BUILDING COVERAGE; LOT COVERAGE.** All areas under roof or projection from buildings on a lot or parcel.

**BUILDING, HEIGHT OF.** The vertical distance from the average finished grade at the building line to the top of the highest roof beam of a flat roof or to midway between the peak and eaves of pitched or hip roofs or the deck of a mansard roof. When a building faces on more than one street, the height is measured from the average of the grades at the center of each street front.

**BUILDING INSPECTOR.** An appointed official of the county responsible for inspecting buildings for conformity with county and state regulations thereof and for certifying such inspections.

**BUILDING, MAIN.** The building, or one of the principal buildings, housing the principal use on the lot or parcel.

**CAMP, DAY.** A parcel of land devoted to primarily outdoor recreation uses, not including overnight accommodations for users.

**CAMP, SUMMER.** A parcel of land used or designed to be used for seasonal accommodations of individuals in tents or similar rustic structures and for use by such individuals for sports, handcrafts and other outdoor-oriented activities and recreation.

**CAMPGROUNDS.** A parcel of land developed to accommodate paying guests for a stay of short duration in tents or travel trailers owned by the guests.

**CARNIVAL.** A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

**CARRY-OUT** or **DRIVE-IN RESTAURANT.** Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a fast food or primarily a carry-out establishment.

**CELLAR.** That portion of a building below the first floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground.

**CIRCUS.** A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without side shows.

**CERTIFICATE OF OCCUPANCY.** The certificate issued by the county which permits the occupancy and use of a building or site in accordance with the provisions of this chapter and other applicable building and safety regulations.

**CHESAPEAKE/ATLANTIC PRESERVATION AREA** or **CAP.** Any land designated by the Board of Supervisors pursuant to §62.1-44.15:72. A **CHESAPEAKE/ATLANTIC PRESERVATION AREA** shall consist of a resource protection area and resource management area as defined herein.

**CLUB.** An association of persons for the promotion of some common object, such as literature, science, politics, good fellowship and the like created for the benefit of its members or the general public and not for profit. The term **CLUB** shall include **LODGE**.

**CLUSTER DEVELOPMENT.** An arrangement of structures or adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements for lot width with the decrease in lot width or area compensated by maintenance of equivalent open space either elsewhere on the lot or in the form of common open space.

**COASTAL PRIMARY SAND DUNE.** Hereinafter referred to as **PRIMARY DUNE**, shall mean a mound of unconsolidated sandy soil which is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from 10% or greater to less than 10%, and upon any part of which is growing on July 1, 1980, or grows thereon subsequent thereto, any one or more of the following: American beach grass (*Ammonophilla breviligulata*); beach heather (*Hudsonia tomentosa*); dune bean (*Strophostylis umbellata* var. *paludigena*); dusty miller (*Artemisia stelleriana*); saltmeadow hay (*Spartina patens*); sea rocket (*Cakile edentula*); seaside goldenrod (*Solidago sempnoirens*); and short dune grass (*Panicum ararum*). For purposes of this chapter, **COASTAL PRIMARY SAND DUNE** shall not include any mound of sand, sandy soil or dredge spoil which has been deposited by man for the purposes of the temporary storage of such material for later use. Also includes **BEACH** as defined above.

**COASTAL SECONDARY SAND DUNE.** A mound of unconsolidated sandy soil which is contiguous to a coastal primary dune or shoreline, whose landward and lateral limits are marked by a change in grade from 2% to 50% and is classified as AsE 17-Assateague sand under the Northampton County Soil Survey.

**COMMERCIAL.** Any wholesale, retail or service business activity established to carry on trade for profit; a use that is principally offered by its owner for a fee.

**COMMERCIAL HOG FARM.** A farm where hogs are kept and raised primarily for sale, the principal product or use of which farm is such hogs.

**COMMERCIAL POULTRY FARM.** A farm where poultry are kept and raised primarily for sale, the principal product or use of which farm is such poultry.

**COMMON OPEN SPACE.** Any space, tract or parcel of land owned in undivided interest, not

devoted to residential uses or structures, but directly related and adjacent to a cluster development or planned development, as herein provided.

**COMMUNITY CENTER.** A building or set of buildings designed or used to serve as a social center of a town, village or other aggregation of residential property.

**COMPREHENSIVE PLAN.** The adopted Comprehensive Plan for Northampton County, Virginia, including specifically the Land Use Plan, an element of the Comprehensive Plan, together with all other amendments and elements.

**CONDOMINIUM.** Ownership of single units in a multiple unit structure or complex having common elements.

**CONSTRUCTION FOOTPRINT.** The area of all impervious surface, including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements, such as land disturbance (grading, clearing, filling and excavating, stormwater facilities, BMP's, utilities and the like).

**COTTAGE INDUSTRY.** Manufacture or processing of products traditional to the area, usually by hand not involving mechanized assembly-line techniques.

**COUNTY RESIDENT ENGINEER.** The Resident Highway Engineer of Northampton County, Virginia, of the Virginia Department of Transportation, or his designated assistant or deputy.

**COURT.** An open space bounded on two sides or more by a structure or a group of structures.

**CRAFT INDUSTRY.** Manufacture or processing of items by hand not involving assembly line techniques.

**CRITICAL ROOT AREA.** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. **CRITICAL ROOT AREA** is one foot of radial distance for every inch of tree **DBH** with a minimum of eight feet.

**DAY CARE CENTERS.** Facilities providing day care or nursery services for six or more children.

**DEVELOPER** or **SUBDIVIDER.** A person having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on behalf in planning, negotiating or in representing or executing the requirements of the ordinances or the code of the county.

**DEVELOPMENT.** The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures which involves an increase of impervious surfaces.

**DIAMETER BREAST HEIGHT** or **DBH**. The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

**DIRECTOR OF PLANNING AND ZONING**. An appointed county official who serves as the Director of Planning and Zoning for Northampton County, Virginia, or his designated deputy or assistant.

**DISTRICT**. Districts as referred to in VA Code §§ 15.2-2280 and 15.2-2281.

**DOCK**. A facility, including piers, pilings and boat slips, but excluding boat houses, for the mooring, berthing or securing of watercraft in the water.

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

**DRIVEWAY** or **ACCESSWAY**. That space specifically designated and reserved on the site for movement of vehicles from one site to another or from a site to a public street or access easement.

**DUMP HEAP (TRASH PILE)**. Any area of 100 square feet or more lying within one 25,000 feet of a state highway, a residence, a farm or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

**DUNE**. See **COASTAL PRIMARY SAND DUNE**.

**DUPLEX**. A two-family residential structure; the residential units may be arranged one above the other or be semi-detached.

**DUSTLESS SURFACE**. A surface adequately covered in practice with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the Director of Planning and to be maintained in good condition at all times.

**DWELLING**. A single unit providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation, provided that the unit shall have no more than one kitchen.

**DWELLING, ATTACHED**. One of two or more residential buildings having a common or party wall separating dwelling units.

**DWELLING, CONDOMINIUM**. A building or group of buildings in which dwelling units are individually owned, and the structure, common areas and facilities are owned by an association established under Virginia Law.

**DWELLING, DOUBLE-WIDE OR TRIPLE-WIDE PORTABLE**. A portable dwelling consisting respectively of two or three sections combined horizontally at the site to form a single

dwelling, while still retaining their individual chassis for possible future movement.

***DWELLING, EXPANDABLE PORTABLE.*** A portable dwelling with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

***DWELLING, MANUFACTURED HOME.*** A structure 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 is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

***DWELLING, MODULAR UNIT.*** A factory- fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements incorporated into a structure at the site.

***DWELLING, MULTI-FAMILY.*** A building containing three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

***DWELLING, PORTABLE.*** A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

***DWELLING, SECTIONAL HOME.*** A dwelling made of two or more modular units transported to the home site, put on a foundation and joined to make a single dwelling.

***DWELLING, SEMI-DETACHED.*** One of two buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

***DWELLING, SINGLE-FAMILY.*** A residential dwelling unit other than a single unit manufactured home, designed for and occupied by one family only.

***DWELLING, TEMPORARY.*** A portable dwelling but not necessarily attached to a permanent foundation.

***DWELLING, TOWN HOUSE.*** One of a series of from three to ten attached dwelling units, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof and having diversified architectural facades, or treatment of materials on both front and rear of the building group, with not more than four of any ten abutting town houses having the same architectural facades and treatment of materials and with not more than three abutting town houses having the same front and rear setbacks.

Minimum setback offset shall be not less than one foot.

**DWELLING, TWO-FAMILY.** A residential building containing not more than two dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two families.

**DWELLING UNIT.** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities and containing not less than the minimum square footage of residential floor area required by the Uniform Statewide Building Code.

**EASEMENT.** A grant by a property owner of the use of his land by another party for a specific purpose.

**ENCLOSED.** Enclosed within a building.

**ENGINEER.** A person licensed to practice as a professional engineer in the Commonwealth of Virginia.

**ERECTED.** Constructed, reconstructed, moved or structurally altered.

**EXISTING.** Existing at the date of adoption of the ordinance set forth in this chapter.

**FABRICATION.** The process of constructing or assembling a product from previously prepared parts, elements or materials which have been manufactured off-site of the fabrication activity.

**FARM OR RANCH.** One or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

**FARM MARKET.** A seasonal or year round business selling agricultural products, value added agricultural products and agricultural-related products from a permanent structure or building.

**FARM STAND.** A seasonal business selling agricultural products and value added agricultural products. A farm stand shall not be a permanent structure or building, shall not be permanently 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 carts properly registered and licensed by the Virginia Department of transportation.

**FAIRGROUND.** A parcel or tract of land used either temporarily or permanently (as permitted herein), as the site of any fair, exposition or public display.

**FAST FOOD ESTABLISHMENT.** An eating establishment which serves food to customers from a self-service counter without table service and/or to persons in automobiles through a service window to an outside drive-through port.

**FENCES.** A fixed structure designed to prevent escape or intrusion or to define property.

**FIRE LANE.** A means of access of sufficient design to permit ingress and egress by firefighting equipment.

**FLEA MARKET.** A retail establishment or area of land on which are sold secondhand or antique goods, a substantial proportion of which sales are on a consignment basis.

**FLOOR AREA.** The total gross floor area of all floor or portions of floors in a structure and measured from outside to outside of exterior walls.

**FRONTAGE.** Lot width at the building set back line along a public road, private road or access easement. (See **LOT WIDTH**).

**FUNERAL PARLOR.** A building used for the preparation of a deceased person for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE, PRIVATE RESIDENTIAL.** A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

**GARAGE, REPAIR.** A building, together with the land upon which it is located and upon or within which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted.

**GARAGE, PUBLIC.** A building, or portion thereof, other than a private residential garage used primarily for the parking and storage of vehicles and which is available to the general public.

**GAZEBO.** An accessory building consisting of a detached, covered, free-standing, open-air structure not exceeding 300 square feet and having a maximum height of 15 feet, designed for recreational use only and not for habitation.

**GRAIN DRYER.** A facility for drying grain. A **COMMERCIAL GRAIN DRYER** is one in which the grain dried is primarily grown by sources other than the owner and/or operator of the facility. A **NONCOMMERCIAL GRAIN DRYER** is one in which the grain dried is primarily grown by the owner and/or operator of the facility.

**GROSS ACREAGE.** Total area expressed in acreage of a development or proposed development, including streets, recreational areas and other areas which function as part of the development, and easements, but excluding land classified as wetlands or conservation areas.

**GROUND COVER.** The lowest vegetation stratum; generally all vegetation less than three feet in height and comprised primarily of herbaceous plants.

**HEALTH OFFICIAL.** The Director of Health for Northampton County or his designated agent

or deputy.

**HISTORIC AREA.** An area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community and such significance as to warrant conservation and preservation.

**HOME OCCUPATION.** An occupation conducted in a dwelling unit (or dwelling accessory structure) in accordance with this chapter.

**HOMEOWNERS ASSOCIATION.** A non-profit organization operating under recorded land agreements pursuant to the laws of the Commonwealth of Virginia and through which: (1) Each lot and/or homeowner is automatically a member; (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property or private road; and (3) The charge if unpaid becomes a lien against the property.

**HEALTH CARE FACILITY.** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition.

**HOTEL.** Any building containing ten or more guest rooms where, for compensation, lodging, meals or baths are provided for ten or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or apartment hotel.

**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.

**INN.** A frame or brick structure certified by the county's Architectural Review Board to be consistent with traditional eastern shore architecture in which lodging and/or food service is offered. An INN shall not be within 500 feet of any Class I roadway shall not have an access point to any Class I roadway, shall not offer more than 20 rooms for rent, shall not construct new impervious surfaces for parking areas, shall minimize the use of impervious surfaces for other purposes, and shall not require a Virginia DEQ water withdrawal permit.

**INOPERABLE VEHICLE.** A motor vehicle, trailer, or attachment thereto, which is required by the state 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.

**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.

***LIVESTOCK AND POULTRY.*** Includes all domestic or domesticated bovine animals, including but not limited to cattle; equine animals, including but not limited to horses; ovine animals, including but not limited to sheep; porcine animals, including but not limited to hogs; and poultry, including but not limited to chickens and turkeys.

***LOADING SPACE.*** Any off-street space available for the loading or unloading of goods, not less than 15 feet wide, 25 feet long and 14 feet high, and having direct usable access to a street or alley, except where one such loading space has been provided, any additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than 12 feet.

***LOT.*** A parcel of land occupied or to be occupied by a building and its accessory buildings or by a group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this chapter, having at least the minimum area required by this chapter for a lot in the zone in which such lot is situated and either shown on a plat of record or considered as a unit of property and described by metes and bounds.

***LOT, AREA.*** The total horizontal area included within the rear, side and front lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. Lot areas shall not include portions under water except where the total area of a body of water is within a lot.

***LOT, CORNER.*** A lot abutting two or more roads, rights-of-way, or access easements at their intersection on the two sides of a corner lot; the front of the lot shall be the shorter of the two sides fronting on such roads, rights-of-way or access easements.

***LOT, COVERAGE.*** The total area covered by or devoted to individual lots as opposed to common area, plus the area of all streets, service drives or parking bays in development which have common areas such as in cluster developments.

***LOT, DEPTH OF.*** The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

***LOT, DOUBLE FRONTAGE.*** An interior lot having road frontage on two or more roads.

***LOT, INTERIOR.*** Any lot other than a corner lot, but including a through lot.

***LOT, PIPESTEM.*** A lot which contains at least the minimum area required for a residential lot in the zone in which it is located but which lacks the minimum street frontage because of its unusual shape, and therefore requires, for access, a long narrow strip of land for a driveway or

access road to connect the main portion of the lot with a public road.

**LOT, THROUGH.** An interior lot, fronting on two parallel or approximately parallel streets.

**LOT, WIDTH.** The average horizontal distance between side lot lines.

**LOT OF RECORD.** A lot which has been recorded in the Clerk's office of the Circuit Court of Northampton County.

**MANUFACTURE** and/or **MANUFACTURING.** The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

**MANUFACTURED HOME, MANUFACTURED HOME PARK.** (Same as **MOBILE HOME, MOBILE HOME PARK** and the like.) Pursuant to VA Code §§ 36-85.3 through 36-85.11, references in this chapter to mobile home, mobile home park, or similar references shall be referred to as manufactured homes and the like.

**MARINE, RAIL AND TRUCK TERMINAL.** Facilities for the receiving and shipment, storage and distribution of previously prepared commodities, such as wood and wood products, grain, machines, and machine parts, electrical components and equipment, food products, cork, general farm and marine food products, but not including environmentally hazardous materials, such as nuclear waste and by-products.

**MASS OR COMMUNITY SUBSURFACE DRAINFIELD.** A sewage disposal system or systems which will discharge effluent to a single absorption area or multiple absorption areas with or without combined flows, such that the loading rate applied to any acre, in accordance with Virginia Sewage Handling and Disposal Regulations, exceeds 1,200 gallons per day.

**MEAN SEA LEVEL.** The average between the mean low tide and mean high tide.

**MEDICAL CENTER.** Establishment wherein medical care is provided on an outpatient basis, as distinguished from a hospital or a professional office.

**MOBILE HOME PARK.** Any area of ten acres or more designed to accommodate 25 or more mobile homes intended for residential use where residence is in mobile homes exclusively and lots are rented rather than sold.

**MOBILE HOME.** A single-family dwelling unit which is manufactured as a single integrated unit and designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers. Such unit is delivered to the site complete and ready for occupancy as a single-family dwelling except for minor or incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like.

**MODULAR HOME.** See **MODULAR UNIT** and **SECTIONAL HOME** as defined in this section.

**MODULAR UNIT.** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. This term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements incorporated into a structure at the site.

**MOTEL or MOTOR LODGE.** One or more buildings along a highway containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with a garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

**MOTOR HOME.** A vehicle which is self-propelled or designed for self-propulsion, having a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings. (See **TRAILER, TRAVEL AND RECREATION.**)

**MOTOR VEHICLE.** Any equipment required to be licensed by the Department of Motor Vehicles as a motor vehicle, but not including junked cars or cars disabled to the point of not being operable.

**NONCONFORMING ACTIVITY.** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

**NONCONFORMING LOT.** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments of this chapter.

**NONCONFORMING STRUCTURE.** An otherwise legal building or structure that does not conform to the minimum area or lot width requirements or permitted uses of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

**NONPOINT 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.

**NONPROFIT ORGANIZATION.** An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

**NOTICE.** When used in this chapter, the word **NOTICE** shall mean the same as that required for advertising plans, ordinances and other pending public actions in VA Code § 15.2-2204.

**NONTIDAL WETLANDS.** Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at 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 § 404 of the Federal Clean Water Act (being 33 U.S.C. § 1344), in 33 C.F.R. § 328.3b, dated November 13, 1986.

**NOXIOUS WEEDS.** Weeds that are difficult to control effectively, such as Johnson grass, Kudzu, and multiflora rose.

**NURSING HOME.** An intermediate or long-term health care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

**OFF-SITE.** A location on (an area of land which is proximate to a parcel of land defined as on-site) a parcel of land which is not contiguous to a parcel defined herein as on-site.

**OFF-STREET PARKING AREA OR PARKING BAYS.** Space provided for vehicular parking outside the dedicated street right-of-way.

**ON-SITE.** Describing a location on all or on a portion of a parcel of land which is the subject of an application for approval by the Board of Supervisors, Planning Commission or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control.

**OPEN SPACE.** Water or land left in undisturbed open condition or developed as a landscaped area unoccupied by buildings, streets or parking lots or occupied by approved commonly owned recreational facilities.

**OUTDOOR ADVERTISING.** See **SIGN, GENERAL OUTDOOR ADVERTISING.**

**OWNER.** The fee simple owner of property; contract purchaser with the owner's written consent; or the owner's agent.

**PACKING.** The act of packaging agricultural or seafood products, often at the site of production or agricultural or site of landing for seafood products. There is no cooking or processing involved.

**PARCEL.** Any tract of land or water not subdivided and shown on the Northampton County Tax Maps as an acreage parcel.

**PARKING SPACE.** A space of sufficient size and shape to park one standard size automobile and containing not less than 180 square feet of area.

**PATIO HOUSE.** The patio house is a single-family detached or semi-detached unit, with one dwelling unit from ground to roof, having individual outside access.

**PEN.** A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals or poultry; a coop.

**PERFORMANCE BOND.** A bond of surety, and/or cash deposit approved by the Board of Supervisors equal to full cost of improvements required by these regulations and providing for completion of such improvements within a definite term.

**PIPE STEM LOT.** See **LOT, PIPE STEM.**

**PLAN OF DEVELOPMENT.** The process for site plan or subdivision plat review to ensure compliance with VA Code § 10.1-2109 and this chapter, prior to any clearing or grading of a site or the issuance of a building permit.

**PLANNED RURAL VILLAGE (PRV).** An area of a minimum contiguous size, as specified by these regulations, to be planned and developed as a single entity and containing one or more residential clusters and which may contain, subject to the approval of the Board of Supervisors, appropriate commercial, public or quasi-public uses when such uses are primarily for the benefit of the residential development.

**PLAT.** A map or plan of a tract or parcel of land which is to be or has been subdivided. When used as a verb, **PLAT** is synonymous with **SUBDIVIDE.**

**PRINCIPAL USE.** The primary use made or intended to be made of a parcel of land or a building or structure located on such parcel.

**POULTRY.** Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl and the like.

**PRIVATE.** A use principally for the benefit of its owner, whether for his profit or not. The use may occasionally be offered to family and friends of the owner but when so offered shall not be for a fee or for profit to the owner.

**PRIVATE SCHOOL.** Includes private schools, colleges, or universities and private instructional/training institutions.

**PROCESSING.** A series of actions or operations upon a raw material or product resulting in a change of form of the product, usually adding value to that product. **PROCESSING** may involve cooking or industrial processing.

**PRODUCE STAND.** A seasonal business selling primarily locally raised farm produce. Some produce not raised on the eastern shore may be sold, but no non-food items may be sold.

**PRODUCTION AGRICULTURE, AQUACULTURE AND SILVICULTURE.** The bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge or disposal of nonagricultural excavation material, waste and debris if the excavation material, waste and debris are not generated on the farm, subject to the provisions of the Virginia Waste Management Act.

**PROFESSIONAL OFFICE.** The office of a person engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural, in which a professed knowledge or skill in some department of science or learning is used in its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

**PROPERTY.** Any tract, lot or parcel or several of the same collected together for the purpose of subdividing, preparing a site development plan and/or developing.

**PUBLIC.** A use owned by a government entity or agency.

**PUBLIC ACCESS EASEMENT.** A legal easement, or series of easements, which grant and guarantee the right of access for emergency and public service vehicles to any given area or right-of-way.

**PUBLIC BUILDINGS.** Any building owned by a governmental organization such as a county, city, town, state or federal government. Such buildings may include a city hall, a county courthouse, a state armory, a federal office building, a post office, an auditorium, a museum, an art gallery, a college or university, hospital, clinics, school, library, police station, fire or rescue squad station and the like.

**PUBLIC FACILITIES.** Any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to: public roads, schools, water supply and sewer facilities and police and fire protection facilities.

**PUBLIC SEWERAGE SYSTEM.** A central system for the removal, carrying off, treatment and disposal of sewage serving or designed to serve three or more independent dwellings or structures and which may be owned and/or operated by a municipality, county, public service authority, home association, or other person(s) approved by the Board of Supervisors in accordance with VA Code Title 62.1, as amended, and licensed by the State Corporation Commission.

**PUBLIC WATER SUPPLY.** A central system for supplying potable water to three or more independent dwellings and which may be owned and/or operated by a municipality, county, public service authority, home association or other person(s) approved by the Board of Supervisors and properly licensed by the State Board of Health in accordance with VA Code Title 62.1, as amended, and licensed by the State Corporation Commission.

**PUD.** See **PLANNED RURAL VILLAGE (PRV).**

**QUARRYING.** The industry of extracting stone from an open excavation. **QUARRYING** shall be deemed to include both the extraction and processing of crushed stone for aggregate and related uses and the extraction of stone in blocks for building, monumental and related uses, but shall not be deemed to include sand and gravel operations nor extractive industries of a temporary nature. (See sand or gravel pit.)

**RECLAMATION.** The act or process of reclaiming a useful product from recycled material. **RECLAMATION** is a continuous industrial process conducted at a permanent site.

**RECORD, RECORDED, RECORDING.** Admission to record in the offices of the clerk of a court of competent jurisdiction.

**RECREATIONAL AREA, COMMERCIAL.** Any establishment operated as a commercial enterprise in which seasonal facilities related to outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and related to the foregoing. A commercial recreational area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment stands, equipment sales or rentals.

**RECREATIONAL AREA, PUBLIC.** Any establishment operated by the county or a local government in which public facilities are provided for indoor and outdoor recreation activities, including but not limited to the following: camping, day camp, lodging, picnicking, boating, fishing, swimming, horse riding and stables, concession stands, wildlife observation, walking and biking and all-terrain vehicle trails, golf driving ranges, amphitheater, indoor and outdoor games and sports and activities incidental to and related to the foregoing. Games may include disc golf, miniature golf, mechanical amusement devices, skateboarding, roller-skating, horse shoes, archery, volleyball, baseball and softball, basketball and tennis.

**RECYCLING.** The act of collecting materials for reuse or reclamation.

**RECYCLING COLLECTION SITE.** A location for the collection of materials for recycling. Such a collection site may be either permanent for continuous or intermittent use or temporary.

**RECYCLING TRANSFER STATION.** A permanent location where recyclable materials from several collection sites are collected and stored for large volume transfer to a reclamation center.

**REDEVELOPMENT.** The process of developing land that is or has been previously developed; shall not involve an increase in impervious surfaces.

**REHABILITATION AND GROUP HOMES OR CENTERS.** Facilities to restore persons to a state of physical, mental or moral health through treatment and training.

**REPLACEMENT VEGETATION.** That vegetation which replaces protected vegetation that has been removed.

**REQUIRED OPEN SPACE.** Any space required in any front, side or rear yard.

**RESOURCE MANAGEMENT AREA** or **RMA.** That component of the Chesapeake/Atlantic Preservation Area that is not classified as the Resource Protection Area. **RMAs** 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. In Northampton County, this includes all land not designated as a Resource Protection Area.

**RESOURCE PROTECTION AREA or RPA.** That component of the Chesapeake/Atlantic Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

**RESTAURANT.** Any building in which for compensation food or beverages are dispensed for consumption on the premises, including, among other establishments, cafeterias, cafes, tea rooms and confectionery shops. (See also **FAST FOOD ESTABLISHMENT**).

**RETAIL STORES AND SHOPS.** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards) such as the following, which serve as illustrations only and are not to be considered to be exclusive: drug stores, newsstands, food stores, candy shops, milk dispensaries, dry goods and notions stores, antique stores and gift shops, hardware stores, household appliance stores, furniture stores, florists, opticians, music and radio stores, tailor shops, barber shops and beauty shops.

**ROAD.** See **STREET** as defined in this section.

**RURAL BUSINESS.** Any one of the specifically named types of business listed in this chapter and which conform to the criteria found herein. The **RURAL BUSINESS** designation shall be offered by special use permit only in several zoning districts as set forth in Appendix A. A business may be added to that list through the zoning ordinance text amendment process set forth in this chapter if it conforms to the prescribed criteria.

**SALTWATER INTRUSION.** Displacement of fresh surface water or groundwater by the advance of sea water, sometimes caused by overdraft of a well.

**SAND OR GRAVEL PIT.** A surface mine or excavation process used to remove sand, gravel or fill dirt for sale or off-site use (see **QUARRY**).

**SAND DUNES.** Refer to definitions of **COASTAL PRIMARY SAND DUNE** and **COASTAL SECONDARY SAND DUNE** in this chapter.

**SAWMILL, PERMANENT.** A sawmill permanently located for the purpose of processing timber from the property on which located, from adjoining property, or from properties removed from the sawmill or its environs without regard to place of origin. Such mill may or may not be held out for the processing of timber bought or sold on a price basis.

**SAWMILL, TEMPORARY.** A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto and incidental processing of timber transported from other property.

**SCHOOL OF SPECIAL INSTRUCTION.** A school offering musical, dramatic, artistic and cultural subjects.

**SCREENED.** Not enclosed within a building but screened from view by an opaque vegetated buffer or opaque wall.

**SECTIONAL HOME.** A dwelling made of two or more modular units transported to the home site, put on a foundation and joined to make a single dwelling.

**SEMI-PUBLIC BUILDING.** Any building designed for the use of the general public or any segment of the general public which is owned and/or operated by a nonprofit association.

**SETBACK.** The minimum distance by which any building or structure shall be separated from a lot line.

**SHOPPING CENTER.** A group of retail commercial establishments, planned, developed and owned and managed as a unit with off-street parking provided on the property and related in size and type of shops to the trade area the unit serves. A **NEIGHBORHOOD SHOPPING CENTER** is designed to serve principally a residential neighborhood. A **REGIONAL SHOPPING CENTER** is generally located on a major transportation corridor and designed to draw customers from a large geographic area.

**SHORELINE.** The line where open tidal waters abut fastlands during mean high water or where wetlands, beaches and sand dunes, as defined herein, abut fastlands.

**SHRUB.** Woody vegetation usually greater than three feet but less than 20 feet tall, including multi-stemmed, bushy shrubs and small trees.

**SIGN.** Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts of combination thereof, by any means whereby such letters and the like are made visible for the purposes of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, a rock, a tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than two square feet in area is excluded from this definition.

**SIGN, AREA.** The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back-to-back, that is, on opposite sides of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.

**SIGN, AUCTION.** A sign, not illuminated, advertising an auction to be conducted on or off the lot or premises upon which it is situated. Such signs may be erected not more than one month before the date of the auction advertised and shall be removed within 48 hours of the conclusion of such auction.

**SIGN, BUSINESS.** A sign, either free standing, projecting or wall, which directs attention to a product, commodity and/or service available on the lot, premises or farm upon which such sign is situated.

**SIGN, DIRECTIONAL.** A sign, one end of which is pointed, on which an arrow is painted or otherwise indicates the direction to which attention is called, not illuminated, four square feet or less in area, giving the name only of a person, farm, business or other establishment.

**SIGN, FREE STANDING.** A business sign located upon a lot or parcel of ground outside the required setback area, not attached to the main building.

**SIGN, GENERAL OUTDOOR ADVERTISING.** A sign which advertises products or businesses not available at nor connected with the site or building on which the sign is located.

**SIGN, HOME OCCUPATION.** A sign not exceeding four square feet in area directing attention to a service available on the premises, but which service is clearly a secondary use of the dwelling.

**SIGN, HUNTING, FISHING OR TRESPASSING.** A sign, not illuminated, one and one-half square feet or less in area, erected on the appurtenant premises solely as a warning or notice.

**SIGN, IDENTIFICATION.** A sign which identifies or otherwise describes the name, ownership or location of a lot or parcel of land upon which it is situated.

**SIGN, ILLUMINATED.** A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

**SIGN, LOCATION.** A sign which directs attention to the approximate location of an establishment from which the advertised products, service or accommodation may be obtained and not situated upon the premises upon which such establishment is located, 100 square feet or less in area.

**SIGN, POLITICAL.** A sign not illuminated, two and one-half square feet or less, in which there is presented a candidate or issue, subject to a federal, state or local government plebiscite. Such sign may be erected not more than one month prior to the date of voting and shall be removed within ten days thereafter.

**SIGN, PORTABLE.** Any sign that is not permanently affixed to a building structure or the ground.

**SIGN, PROJECTING.** A business sign erected, projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six feet from the wall surface of the building on which such sign is erected.

**SIGN, PUBLIC.** A sign owned by and erected at the instance of a federal, state or local

government agency.

***SIGN, SALE OR RENTAL.*** A sign, not illuminated, which designates all or portions of the lot or premises upon which it is located to be for sale or lease. Such signs shall be removed within one week of sale or lease of the lot or premises upon which such sign is situated. The lettering or message on any one side of such sign may be different from any other side.

***SIGN, SUBDIVISION OR ENTRANCE.*** A sign, not illuminated, 60 square feet or less in aggregate area identifying a subdivision or business and located thereon at the entrance to such subdivision or business. Such sign shall be not greater in height than six feet and shall be set back from any right-of-way for proper sight distance.

***SIGN, TEMPORARY DIRECTIONAL.*** A directional sign erected for a period of not more than ten days.

***SIGN, TEMPORARY EVENT.*** A sign, not illuminated, describing a seasonal, brief or particular event or activity to be or being conducted upon the lot or premises upon which such sign is located. Such sign may be erected not more than one month before the event or activity described, shall be removed within one week of its conclusion, and in no event shall such sign be displayed for a period longer than six months in any one calendar year.

***SIGN, WALL.*** A business sign erected or painted on a building front visible from the exterior thereof, no part of which is more than 12 inches from the surface of the building on which it is erected; such sign may be illuminated.

***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.

***SITE DEVELOPMENT PLAN.*** Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information required by this chapter.

***SOLID WASTE LANDFILL.*** A method of disposing of refuse on land without creating nuisance or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

***SPECIAL USE.*** A use of land authorized by a special use permit issued by the Board of Supervisors as a legislative action pursuant to VA Code § 15.2-2286(3). The definition of ***SPECIAL USE*** shall be interpreted to include special exception, conditional use or use permit.

***SPECIFICATIONS.*** A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the applicable ordinances of the county.

***STORE.*** See ***RETAIL STORES AND SHOPS*** as defined in this section.

**STORY.** That portion of a building, other than the basement, including between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

**STREET.** A dedicated strip of land or right-of-way subject to vehicular and/or pedestrian traffic providing means of access to property.

**STREET (ARTERIAL).** A highway utilized primarily as a supplement to, and as an extension of, the interstate highway system, defined in the Virginia State Highway Commission Standards as an arterial highway. A minimum right-of-way of 100 feet is required.

**STREET (COLLECTOR).** A street that carries or is anticipated to carry a volume of through traffic exceeding 400 vehicles per day, the right-of-way of which shall not be less than 50 feet nor more than 80 feet depending upon existing or anticipated traffic volume.

**STREET (INTERSTATE).** A highway utilized to carry interstate traffic with a minimum right-of-way of 300 feet in rural areas and carrying capacity in excess of 1,500 vehicles per lane per hour.

**STREET (LOCAL).** A street that carries or is anticipated to carry a volume of traffic less than 400 vehicles per day, right-of-way of which shall be no less than 50 feet.

**STREET (MAJOR, COLLECTOR).** A street that carries or is anticipated to carry a volume of traffic exceeding 3,000 vehicles per day, the right-of-way of which shall not be less than 60 feet nor more than 110 feet.

**STREET (PRIMARY).** A street or highway anticipated to carry a volume of traffic exceeding 3,000 vehicles per day, designed and maintained as a part of the Virginia Primary System, the right-of-way of which shall not be less than 80 feet or more than 160 feet.

**STREET (PRIVATE).** A street which affords principal means of access to abutting property and encompassed by a right-of-way dedicated to public use and maintained by a private corporation or adjacent landowners within the platted subdivision, constructed to standards adopted by the county. The right-of-way shall not be less than 50 feet.

**STREET (PUBLIC).** A street which affords principal means of access to abutting property and encompassed by a right-of-way dedicated to public use and maintained by the Commonwealth as a part of the state primary or secondary road system. The right-of-way shall not be less than 40 feet.

**STREET (RURAL).** A street having a minimum right-of-way of 40 feet located in areas or subdivisions divided into parcels of two acres or more, excepting streets carrying or anticipated to carry heavy volumes of traffic or otherwise defined herein.

**STREET (SERVICE DRIVE).** A public or private right-of-way, generally parallel with and

contiguous to a major highway, primarily designed to promote safety by eliminating pernicious ingress and egress to a major highway by providing safe and orderly points of access to the major highway.

***STREET, WIDTH.*** The total width of the strip of land dedicated or reserved for public travel, including the roadbed, curb and gutter, sidewalks, planting or landscaping strips and, when necessary, utility easements.

***STRUCTURAL ALTERATION.*** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

***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. This includes, among other things, dwellings, buildings, signs and the like.

***SURVEYOR, LAND.*** A person who is recognized by the state and who is registered with the Virginia Department of Professional and Occupational Registration as a registered land surveyor.

***THEATRE, INDOOR.*** A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts and dramas by actors and/or actresses.

***TIDAL SHORE (SHORELINE).*** The line where open tidal waters, at mean sea level, and/or vegetated wetlands, beach area or primary dunes, where they exist, abut uplands.

***TIDAL WETLANDS.*** Vegetated and nonvegetated wetlands as defined in VA Code § 28.2-1300.

***TRIBUTARY STREAM.*** Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7½ minute topographic quadrangle map (scale 1:24,000).

***TOURIST HOME.*** A dwelling where only lodging is provided for compensation for up to 14 persons (see also ***HOTELS*** and ***BOARDING AND ROOMING HOUSES*** as defined in this section) and open to transients.

***TRAILER, BUSINESS.*** A structure or vehicle mounted on wheels for use on roads, propelled or drawn by its own or other motor power, and designed and constructed to provide for temporary human habitation for one or more persons or for the conduct of a business, profession, trade or occupation or for use as a selling or advertising device.

***TRAILER, BUSINESS OFFICE.*** An industrialized unit designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed and arriving at the site where it is to be occupied as an office complete and ready for occupancy except for minor or incidental unpacking and assembly operation, located on jacks or permanent foundation, connected to utilities and the like.

***TRAILER, TRAVEL AND RECREATION.*** A mobile unit less than 29 feet in length and less

than 4,500 pounds in weight which is designed for temporary human habitation.

**TRUCK STOP, TRUCK PLAZA.** A facility intended to provide full services to the trucking industry, including, but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants and motels, and overnight parking.

**UNDERSTORY TREE.** Any and all trees in the intermediate stratum of vegetation between canopy trees and shrubs, usually over 20 feet tall at maturity.

**USE.** The principal purpose for which a lot or the main building thereon is designated, arranged or intended and for which it is or may be used, occupied or maintained.

**USE, ACCESSORY.** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

**UTILITIES, PUBLIC.** The use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone and telegraph, water or sewage service that is subject to the jurisdiction of the State Corporation Commission.

**UTILITIES, PUBLIC, CLASS A.** Facilities necessary to support development in a local area. Included in this type are facilities such as power lines; transformers; relay and booster devices; telephone electronics cabinets; storm drainage facilities; distribution facilities for oil, propane, and natural gas; well, water, and sewer pump stations; electric substations that are screened by trees or shrubs that are at least eight feet in height, operate at a voltage of less than 150 kilovolts, and are located in any zoning districts other than residential districts or in existing subdivisions; and monopole transmission structures less than 150 kilovolts.

**UTILITIES, PUBLIC, CLASS B.** Facilities serving a region, such as microwave substations; radio/television antennas; power transmission lines that require support structures consisting of two or more legs which are tied together by solid braces or exceed 150 kilovolts; electric substations or switching facilities with voltage in excess of 150 kilovolts; generating facilities; natural gas, oil, and propane transmission pipelines; water storage tanks; solid waste disposal or processing; community sewage or wastewater treatment plants.

**VARIANCE.** A relaxation of the terms of the zoning ordinance where such relaxation shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a VARIANCE is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

**VALUE ADDED AGRICULTURAL PRODUCTS.** Any product that is produced as an incident of an agricultural operation and made using an agricultural product(s) such as honey, maple syrup, breads, jams, jellies, preserves, relishes, juices, cider, milk, ice cream, peanut butter and cheese.

**VESTED RIGHTS.** As set forth in VA Code § 15.2-2307.

**WATER-DEPENDENT FACILITY.** A development of land that cannot exist outside the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (1) Ports; (2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) Marinas and other boat docking structures; (4) Beaches and other public water- oriented, recreation areas; and (5) Fisheries or other marine resource facilities.

**WATERSHED.** The region drained by or contributing water to a stream, creek, pond or other body of water.

**WATERTABLE.** The upper surface of the free groundwater in a zone of saturation except when separated by an underlying of groundwater by unsaturated material.

**WETLANDS.** See *TIDAL AND NONTIDAL WETLANDS*.

**YARD.** An open space between a building or use and the adjoining lot lines, unoccupied or unobstructed by any portion of a structure or use from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the building shall be used.

**YARD, FRONT.** The minimum horizontal distance between the street line and the building or any projection thereof other than steps, unenclosed porches and extending between the two side lot lines.

**YARD, REAR.** The yard between the rear of the building and the lot line most nearly parallel thereto and extending across the rear of the lot between the side lot lines.

**YARD, SIDE.** A yard between the side of the building and the lot line most nearly parallel thereto and extending from the required front yard to the required rear yard.

**ZONING ADMINISTRATOR.** The administrative officer designated to administer the zoning ordinance and issue zoning permits.

**ZONING DISTRICT MAP.** A map or maps of the County of Northampton which are part of the zoning ordinance and which delineate the boundaries of all zoning districts.

**ZONING DISTRICT, FLOATING.** An unmapped zoning district where all the zone requirements are contained in this chapter and the zone is fixed on the Zoning District Map only when an application for development meeting the zone requirements is approved by the Board of Supervisors as an amendment to this chapter.

**ZONING DISTRICT, PROTECTIVE OVERLAY.** A special purpose zoning district which overlays and supplements the primary and/or secondary zoning districts and which modifies or

supplements the regulations thereof to achieve the special development objectives set forth in the Overlay Zoning District.

**ZONING DISTRICT, PRINCIPAL.** A specifically delineated area within Northampton County, Virginia, within which the regulations governing the use of land, buildings and structures are designed to achieve a specific purpose of the Comprehensive Land Use Plan. Unless modified by a secondary zoning district, overlay zoning district, or floating zoning district, the requirements of the principal zoning district governing the use of land and buildings and the extent of such use shall apply uniformly to all land, buildings and structures throughout the district.

**ZONING DISTRICT, SECONDARY.** A subdivision of a principal zoning district within the county within which the regulations governing the use of land, buildings and structures; the height of buildings or structures; the size of yards; and the intensity of use are uniform.

#### **§ 154.004 GENERAL CONDITIONS.**

(A) Repeal of conflicting ordinances. All ordinances or portions of ordinances in conflict with this chapter are repealed to the extent necessary to give this chapter full force and effect.

(B) Conflict with other county ordinances. Whenever this chapter is at variance with the requirements of any other lawfully adopted county statutes, rules, regulations, covenants or ordinances, the most stringent shall govern.

(C) County and municipal liability. The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by Northampton County of the suitability of such land or structure for development or use.

(D) Severability clause. Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any other part thereof other than that part so declared to be unconstitutional or invalid.

(E) Nonexclusionary intent. It is not the intent of this chapter to exclude any economic, racial, religious or ethnic group from enjoyment or residence, land ownership or tenancy within the county; nor is it the intent of this chapter to use public powers in any way to promote the separation within the county of economic, racial, religious or ethnic groups.

(F) Territory affected. This chapter shall apply to all lands, wetlands, islands, dunes and water areas within Northampton County, but not including the lands, wetlands, islands, dunes and water areas lying within the corporate limits of the county's municipalities unless a municipality has adopted this chapter and by resolution requested Northampton County to exercise zoning control over its incorporated area and the Board of Supervisors, by resolution, has accepted such authority, in which case this chapter shall also apply to all lands, wetlands, islands and water areas within the requesting municipality.

(G) Policy of county relating to homes for certain handicapped persons.

(1) In furtherance of the state policy expressed in VA Code § 15.2-2291, as amended, it shall be the policy of Northampton County that physically handicapped, mentally ill, or mentally retarded and other developmentally disabled persons should not be excluded from the benefits of normal residential surroundings, but shall be permitted in the residential zoning districts that may be set forth in this chapter. Reasonable modifications which are not required of other dwellings in the same zone may be imposed on such homes:

(a) When such additional conditions are related to the physical or mental handicap of the residents and are necessary to protect the health and safety of the residents of such homes; and

(b) To assure the compatibility of such homes with other permitted uses in the area.

(2) All homes covered by this provision shall be processed as a special use permit in the districts in which such uses are permitted as a special use.

**§ 154.020 – 026 ZONING ADMINISTRATIVE STRUCTURE ESTABLISHED**

**§ 154.020 ZONING ADMINISTRATOR.**

(A) This chapter shall be administered by the Zoning Administrator who shall be appointed by the Board of Supervisors and assisted by such other persons as the Board of Supervisors may direct. The Zoning Administrator shall have all necessary authority to administer and enforce the provisions of this chapter, including the establishment of necessary administrative procedures.

(B) The Zoning Administrator, along with his deputies and inspectors, is empowered, subsequent to a 24 hour notice of intent, to enter and go upon any private or public property in the county for the purpose of inspecting for compliance with this chapter and of administration and enforcement hereof, provided that any and all such entries shall be in accordance with the general requirements of due process and nothing herein shall authorize or purport to authorize any unlawful search or seizure.

**§ 154.021 SITE PLAN REVIEW AGENT.**

The Director of Planning and Zoning is appointed by the Board of Supervisors of Northampton County as the Board's agent for the administration of the site plan review section of this chapter. The scope of the agent's authority includes the review, processing and approval of site development plans pursuant to standards given in §§ 154.040 et seq.

**§ 154.022 BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals is established pursuant to VA Code § 15.2-2308, as amended, with the powers and duties as defined in §§ 154.225 et seq.

**§ 154.023 HISTORIC PROTECTION REVIEW.**

The Architectural Review Board is established pursuant to VA Code § 15.2-2306, as amended, with the powers and duties as defined in the Historic District regulations located in § 154.161.

**§ 154.024 FILING FEES.**

(A) The Board of Supervisors shall establish a schedule of fees and charges for variances, amendments, appeals, site plan reviews and other matters pertaining to this chapter.

(B) The schedule shall be available to the public to examine and may be amended from time to time only by action of the Board of Supervisors.

**§ 154.025 ENFORCEMENT.**

All departments, officials and public employees of Northampton County which are vested with the duty or (and) authority to issue permits or licenses shall conform to the provisions of this chapter. Any permit issued in conflict with the provisions herein as determined by the Zoning Administrator shall be null and void.

**§ 154.026 APPEALS.**

(A) Any persons or agency allegedly aggrieved by a decision, order, requirement or determination of the Zoning Administrator or any other officers, department or board of Northampton County in the administration or enforcement of this chapter may appeal such decision to the Board of Zoning Appeals in accordance with the provisions in §§ 154.225 et seq.

(B) Any persons or agency allegedly aggrieved by a decision, order, requirement or determination of the Board of Zoning Appeals or the Board of Supervisors may appeal such decision to the Circuit Court of Northampton County, Virginia, in the manner prescribed by Virginia state law.

**§ 154.040 – 045 PERMITS AND PROCEDURES**

**§ 154.040 ZONING CLEARANCE.**

(A) It shall be unlawful to change the use of land or structures or to alter or erect structures until a zoning clearance is obtained from the Zoning Administrator.

(B) The Zoning Administrator shall review the application for the zoning clearance and sign off on it before the clearance is issued. When a building permit is required, the application for zoning clearance shall be incorporated with the building permit and the Zoning Administrator shall sign off on the zoning clearance before such permit is issued. Where site plan review is required, the application for zoning clearance shall be incorporated into the application for site plan review, in which case the requirements for site plan review in this chapter shall apply. The intent of the zoning clearance is to show that land, structures and uses of land and structures are in conformity with the provisions of this chapter.

(1) Zoning clearance required for temporary or certain low-impact uses. Certain uses authorized by this chapter may be either temporary or ongoing but with very low impact. These uses are indicated in Appendix A by the letter "Z." For such uses the Zoning Administrator shall issue a written zoning clearance. Such approval shall not run with the land and shall expire when the use ceases or at a date specified in the written approval, whichever comes first. The permit may be revoked at any time by written notification from the Zoning Administrator.

(2) Application for zoning clearance. An application for zoning clearance shall contain the following:

- (a) Name, address and phone number of the applicant;
- (b) Signature of the applicant attesting to the truth of all information required;
- (c) Zoning district;
- (d) Two plot plans or sketches, drawn to scale, showing lot dimensions, location and size of existing and proposed structures and uses, yard dimensions, easements and street and highway rights-of-way;
- (e) Such other information as may be required by the Zoning Administrator in order for him to determine conformity with this chapter.

(3) Approval of Zoning Clearance. Within 30 days of receipt of the application, the Zoning Administrator shall approve or disapprove the application. One copy of the site plan shall be returned to the applicant along with the zoning clearance or a written denial and reasons for denial. Zoning clearances incorporated into building permits and/or site plan review procedures shall expire in the same manner as building permits and/or site plan approvals.

**§ 154.041 CERTIFICATE OF OCCUPANCY.**

(A) Certificate of occupancy required. Subsequent to the effective date of the ordinance set forth in this chapter, no change in the use or occupancy in an existing building (except for an existing single-family dwelling) shall be made, nor shall any new building be occupied for any purpose until a certificate of occupancy has been issued by the Zoning Administrator and Building Official. Every certificate of occupancy shall state that the new occupancy complies with all provisions of the ordinance.

(B) Records. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

(C) Notification of legal nonconformity. It shall be the duty of the Zoning Administrator to make inspections as necessary to identify each legal nonconforming use; to notify in writing the owner(s) or occupant(s) as the case may be that the building or land they occupy is a legal nonconforming use; to advise them of their vested rights to continue the legal nonconforming use and the conditions thereof; and upon application, to issue a zoning clearance for the legal nonconforming use. Once an owner or occupant of a legal nonconforming use has been duly notified as prescribed above, failure to apply for such clearance for a legal nonconforming use or failure of the Zoning Administrator to issue such clearance for a legal nonconforming use for due cause shall be considered evidence that such legal nonconforming use did not exist at the effective date of this chapter, or any amendment hereto, and therefore is in violation of the county's zoning ordinance.

**§ 154.042 SPECIAL USE PERMIT.**

(A) The Board of Supervisors may, after review and recommendation by the Planning Commission, grant a special use permit where such special use or structure is permitted by the terms of this chapter.

(B) The Board of Supervisors may grant, deny or grant conditionally the permit. The special use permit may be granted to the applicant for the use for which application is made and, in addition to other conditions which may be imposed, may be conditioned to terminate when the applicant ceases the use for which application is made. The permit shall state whether it is issued to the applicant or whether it is issued to the site and runs with the land.

(1) Procedure. An application for a special use permit may be submitted by the property owner, contract owner or optionee of the property affected. Procedures for application and review shall be as follows:

(a) The applicant shall submit an application for a special use permit in the same manner as required for an amendment to the zoning ordinance. Such application

shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met;

(b) The Zoning Administrator shall refer the application to the Director of Planning who shall review the application, visit the site and post a notice of public hearing, request additional information or review by other agencies and formulate a recommendation to the Planning Commission and the Board of Supervisors:

1. The Zoning Administrator shall, at least 15 days before the date of the hearing, post a notice of the public hearing on the land or building involved in any application. The notice shall be posted at reasonable intervals along every street abutting the subject property, or if there is no abutting street, then along the exterior boundary lines of the subject property;

2. The notice shall contain the date, location, and time of the public hearing, the nature of the proposed change, and such other information as may be necessary to provide adequate identification of the application. All posted notices shall be removed no later than seven days after the conclusion of the hearing to which they pertain;

(c) The Planning Commission and Board of Supervisors shall hold public hearings after notice in accordance with VA Code § 15.2-2204, as amended according to a schedule to be established by the Board of Supervisors;

(d) The Planning Commission and Board of Supervisors shall review the recommendation of the Director of Planning, or any other report, visit the site if appropriate and may meet with the applicant;

(e) After due consideration, the Planning Commission shall recommend and the Board of Supervisors shall make a decision and promptly notify the applicant of its decision in writing.

(2) Conditions and bonds. The Board of Supervisors may impose conditions, limitations or other special requirements as are reasonably necessary to protect the public health, safety and general welfare, such as but not limited to the following:

(a) Abatement or restriction of noise, smoke, dust, vibration, odors, wastes or other elements that may affect abutting or adjacent properties;

(b) Establishment of setbacks (side, front and rear) or other requirements necessary for orderly expansion and for preventing traffic congestion;

(c) Providing for adequate parking and ingress and egress to public streets and roads necessary to prevent traffic congestion;

(d) Providing adjoining property with a buffer fence or line of evergreens or

shield from view of the proposed use and/or structure;

(e) Establish a period of time, not to exceed 18 months, during which the new special use must begin and after which the permit shall no longer be valid, if the special use has not begun;

(f) Furthermore, the Board of Supervisors may require a bond, in a reasonable amount determined by the Board of Supervisors, to be payable to the Board of Supervisors to insure compliance with the terms and conditions of any special use permit.

(3) Special use permit approval guidelines. Uses permitted by special use permit, as listed in the zoning district provided for, shall be permitted subject to all the other requirements of this chapter, only upon the obtaining of a special use permit from the Board of Supervisors. The Board of Supervisors may issue a permit for such use if the following stipulations are met:

(a) The proposed use and/or structure appears on the official schedule of district regulations or elsewhere in this chapter;

(b) The proposed use and/or structure complies with the regulations governing individual special uses;

(c) The proposed use and/or structure is consistent with the county's Comprehensive Plan;

(d) The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located;

(e) The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof;

(f) The proposed use and/or structure will not be hazardous or injurious to or in conflict with the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved or conducted in connection with it, its site layout and its relation to roads giving access to it;

(g) The proposed use and/or structure will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use;

(h) The proposed use and/or structure will not be detrimental to public welfare or injurious to property or improvements in the neighborhood;

(i) The proposed use and/or structure will be in accord with provisions of this chapter and the plan of use and development embodied therein, as well as in accord with such comprehensive plans or parts thereof from time to time adopted by the governing

body.

(4) Effect of approval.

(a) The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit.

(b) Any deviation, expansion or other changes whatsoever shall require that the applicant reapply for a new special use permit.

(5) Reconsideration of applications. A property owner or other petitioner who has filed for a special use permit may not submit substantially the same application for a special use permit within a period of 12 months from the date of the original denial by the Board of Supervisors.

**§ 154.043 AMENDMENTS.**

(A) General requirements, intent and factors to be considered.

(1) Whenever the public necessity, convenience or general welfare or good zoning practice justifies such action and after consideration by the Planning Commission, the Board of Supervisors may, by ordinance, change the regulations set forth in this chapter and may change the zoning districts as established on the Zoning District Map.

(2) In the process of considering the rezoning of land, it is the intent of the Board of Supervisors that in order to meet the test of reasonableness and the test of like land treated alike, the following factors shall be considered before rezoning to a particular category:

(a) Character of the area;

(b) Land use and activities;

(c) Suitability for proposed use;

(d) Availability of public facilities;

(e) Compliance with Comprehensive Plan, land use, coastal management and environmental objectives.

(B) Receipt of application.

(1) A proposed change of zoning district boundaries or proposed change in the text of the ordinance may be initiated by one of the following methods:

(a) By resolution of the Board of Supervisors;

(b) By motion of the Planning Commission; or

(c) By petition addressed to the Board of Supervisors of a property owner, or contract purchaser with the owner's consent, or of the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment.

(2) An application must be submitted on prepared forms in writing to the Zoning Administrator. The application must be accompanied by the documents specified in division (I) of this section.

(3) As provided in VA Code § 15.2-2286(A)(7), as amended, petitions will be accepted and processed on a quarterly basis with application deadlines as follows: March 31, June 30, September 30, December 31.

(C) Analysis and processing of application. After receiving the application, the Zoning Administrator shall first determine if all of the submission requirements of this section have been met. Should additional information be required before the application can be evaluated, the Zoning Administrator shall advise the applicant of any additional material to be submitted within seven days after receipt of the application. Upon receipt of all submission requirements, the Zoning Administrator will submit the application to the Director of Planning who shall take the following actions:

(1) Notify in writing the applicant, the Chairperson of the Planning Commission, and the Chairperson of the Board of Supervisors that the application has been received and judged complete by the Zoning Administrator and is being processed for public hearing before the Planning Commission and the Board of Supervisors. The date of such notification begins the 90 day period of review by the Commission and the 12 month period of review by the Board. Both the Commission and the Board reserve the right to ask for additional information from the applicant during their review of the application;

(2) Provide other agencies with copies of appropriate documents, in cases when such agencies are required by other provisions of this chapter to review applications;

(3) At the option of the Planning Commission, arrange with the applicant to have an informal briefing on the project for the Planning Commission prior to the required public hearing;

(4) In consultation with the Chairpersons of the Planning Commission and of the Board of Supervisors, establish dates for public hearings before the Commission and Board and arrange for legal notice of the public hearings before the Commission and Board;

(5) Prepare an analysis of the proposal and prepare a written report to the Planning Commission and Board of Supervisors giving the staff's findings and recommendations concerning the proposal prior to the public hearings.

(D) Consideration of application by the planning commission.

(1) The Planning Commission may require a special informational presentation by the applicant at one of its regular meetings held prior to the public hearing.

(2) After public notice has been given in accordance with VA Code § 15.2-2204, the Planning Commission shall hold a public hearing on the proposed amendment. Within a reasonable time after the public hearing, the Planning Commission shall submit a recommendation, along with plats and explanatory materials to the Board of Supervisors.

(3) If the Planning Commission fails to submit a recommendation to the Board of Supervisors within 90 days of its written notification regarding the proposed amendment, the Planning Commission shall be deemed to have recommended the approval of the proposed amendment. For purposes of this provision, the date of referral shall mean one of the following:

(a) The date of the meeting at which the Board of Supervisors refers the application to the Planning Commission, in cases where the Board of Supervisors originates the application;

(b) The date of the Planning Commission meeting at which the application is initiated, in cases where the Planning Commission originates the application;

(c) The date of written notification to the Chairperson of the Planning Commission by the Director of Planning that the Zoning Administrator has judged the application to be complete.

(4) Each motion to recommend the amendment of the zoning ordinance by the Planning Commission shall state the public purpose of the recommended amendment.

(E) Consideration of application by the board of supervisors. The Board of Supervisors shall consider the proposed amendment after notice and public hearing in accordance with VA Code § 15.2-2204, as amended. The Board of Supervisors and the Planning Commission may hold a joint public hearing, in which case the public notice may be published concurrently and need be published only by the Board of Supervisors.

(1) The Board of Supervisors shall have up to one year from the date of written notification that the Zoning Administrator has judged the application complete in which to make its decision regarding the proposed amendment. (VA Code § 15.2-2286(7), as amended.)

(2) After its public hearing, the Board of Supervisors may make appropriate changes or corrections in the proposed amendment, provided that no additional land may be rezoned, nor a more intensive classification approved, than was contained in the public notice required by VA Code § 15.2-2204.

(3) Each motion of intent to amend by the Board of Supervisors shall state the public

purpose of the amendment.

(F) Reconsideration of applications. A property owner or other petitioner to amend this chapter may not submit substantially the same application for amendment within a period of 12 months from the date of the original denial by the Board of Supervisors.

(G) Withdrawal of rezoning petitions. A petitioner for rezoning may withdraw the petition from consideration at any time prior to the Board of Supervisors action "without prejudice."

(H) Conflict of interest. A petition brought by a property owner, contract purchaser, or the agent thereof shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not:

(1) Any member of the Planning Commission or the Board of Supervisors has any interest in such property, either individually, by ownership of stock in a corporation owning such land or partnership; or

(2) Whether a member of the immediate household of any member of the Commission or governing body has any such interest.

(I) Documents to be submitted for a Zoning Map change.

(1) A legal description of the property for which the change of zoning is requested.

(2) A plat showing the property drawn at a scale with sufficient references to existing streets and subdivisions to enable the property to be located on county maps.

(3) The names and addresses, as far as practicable for the applicant to obtain, of the property owners abutting the property or across the street from it.

(4) Completed petition on forms provided by the Zoning Administrator.

(J) Documents to be submitted for a zoning text change.

(1) The proposed wording or re-wording of the text to be amended with references to the section and subsection that is proposed to be amended.

(2) A narrative description of the purposes to be served by the proposed amendment and how it would change the regulations of the ordinance.

(K) Joint processing of applications permitted. In cases where applications, which are related to the same project, request amendments to the Zoning Map, amendments to the zoning text, application for a use permit, application to establish a floating zone, or other approvals required to be made by the Board of Supervisors, it is the policy of the county that such applications may be submitted and processed as if they were a single application. Notwithstanding the above, in matters of advertising, public hearings, and action by the Planning Commission and Board of

Supervisors, each application shall be considered and voted on separately.

(L) Recording changes on Zoning Map. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the change has been approved by the Board of Supervisors or no more than ten days after approval. The changes shall be attested by the initials of the Zoning Administrator and the date of entry. A paper copy of such map or maps shall be filed with the Clerk of the Circuit Court of Northampton County. Changes to this chapter which involve matters portrayed on the Official Zoning Map shall be entered onto the Official Zoning Map. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided under §§ 154.020 et seq.

#### **§ 154.044 PROFFERING CONDITIONS TO ZONING DISTRICT REGULATIONS.**

(A) Purpose. Pursuant to VA Code § 15.2-2303, as amended, it is the purpose of this subchapter to provide a more flexible and adaptable zoning method to cope with the situations found in various zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the applicant for the protection of the community that are not generally applicable to land similarly zoned.

(B) Proffer of conditions. In addition to the regulations provided for the zoning districts by this chapter, the Board of Supervisors may adopt, as part of an amendment to the Zoning Map, reasonable conditions when such conditions shall have been proffered in writing, in advance of the Board of Supervisors public hearing, by the owner of the property submitting the Zoning Map amendment. Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning ordinance; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(C) Conditional (contractual) zoning procedure.

(1) Once a rezoning petition has been filed and accepted by the Zoning Administrator, it shall be reviewed in keeping with the guidelines as found in this subchapter by the Director of Planning. The Director of Planning shall prepare a report and recommendation for presentation to the Planning Commission, a copy of which shall be transmitted to the applicant.

(2) The Directors report shall indicate any conditions that are deemed necessary by him to ease the impact on the county.

(3) The Planning Commission, at a duly conducted public hearing, shall consider the

Director of Planning's recommendations and discuss same with the applicant. The Commission shall forward its recommendations on the zoning petition to the Board of Supervisors for action.

(4) After the recommendation of the Commission is made and prior to the Board of Supervisors public hearing on the petition, the petitioner shall proffer in writing the recommended conditions as agreed upon. The proffer shall be addressed to the Chairperson, Northampton County Board of Supervisors.

(5) If there is agreement on the proffered conditions by the Board of Supervisors and the petitioner, and the rezoning petition is approved with the proffered conditions, the proffers shall be recorded in the Clerk of the Circuit Court's office. Those proffers which condition the use of the land involved shall be made a part of the deed to such lands. The proffers which require monetary payments shall be recorded as a lien on the property involved in the rezoning petition and shall run with the land until removed by the Board of Supervisors as a result of an amendment to the original application or as a result of a subsequent rezoning petition.

#### **§ 154.045 REVIEWING SITE DEVELOPMENT PLAN.**

(A) Purpose and intent. There is a mutual responsibility between the County of Northampton and the developer to develop land in an orderly manner. The purpose of this section is to encourage innovative and creative design and facilitate use of the most advantageous techniques in the development of land in Northampton County and to insure the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development.

(B) Development or land use requiring a site development plan. A site development plan is required and shall be submitted for the following:

(1) Any development in which an automobile parking space is to be used by more than one business;

(2) Any use or development in all zoning districts where a plat is submitted pursuant to the subdivision ordinance of Northampton County. Single-family detached dwelling units constructed by property owner(s) on their individual lots are exempt from the provisions of this section;

(3) When a change is proposed in a previously approved site development plan;

(4) When an existing residential use is proposed for change to a business, industrial or multi-family residential use;

(5) All public and/or semi-public buildings;

(6) All other uses involving a structure required to be reviewed by the county under VA Code § 15.2-2232, as amended.

(C) Site development plan information required. Every site development plan, as hereafter provided, shall contain the following information:

(1) Location of tract or parcel by vicinity map at a scale of not less than one inch equals 2,000 feet and landmarks sufficient to properly identify the location of the property;

(2) A boundary survey of the tract, or site plan limit, with an error of closure within the limit of one foot in 7,500 feet related to the true meridian and showing the location and type of boundary evidence;

(3) A certificate or plat signed by the engineer or surveyor setting forth the source and title of the owner of the tract and the place of record of the last instrument in the chain of title;

(4) Existing and proposed streets and easements, their names, numbers and widths existing and proposed utilities of all types; water courses and their names; owners, zoning and present use of adjoining tracts;

(5) Location, type and size of ingress and egress to the site;

(6) Location, type, size and height of all structures and fencing, screening and retaining walls where required under the provisions of applicable ordinances;

(7) All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with the Northampton County Zoning Ordinance;

(8) Number of floors, floor area, height and location of each building and proposed general use for each building. If a multi-family residential building, town house or patio house, the number, size and type of dwelling units shall be shown. All shoreline alteration, including dredging, falling and bulkheading. Provision for disposition of spoils. Provision for the prevention of a saltwater intrusion. Provision for preservation of the ecology of the area and prevention of damage to the groundwater supply;

(9) Existing and proposed water and sanitary sewerage facilities indicating all pipe sizes, types and grades and where connections are to be made to an existing or a proposed central water and sewerage system;

(10) Provision for the adequate disposition of natural and storm water in accordance with design criteria and construction standards of the Commonwealth of Virginia and/or Northampton County in effect at the time the site plan is submitted indicating location, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage systems;

(11) Provision and schedule for the adequate control of erosion and sedimentation indicating proposed temporary and permanent control practices and measures which shall be

implemented during all phases of clearing, grading and construction in keeping with the requirements of the Soil Erosion and Sediment Control Ordinance of Northampton County;

(12) Existing topography accurately shown with a maximum of two-foot contour intervals at a scale of not less than 50 feet to the inch, or spot elevations if the gradient is less than 1%;

(13) Proposed finished grading by contour supplemented where necessary by spot elevations;

(14) All horizontal dimensions shown on the site of development plan shall be in feet and decimals of a foot to be closest to one hundredth of a foot and all bearings in degrees, minutes and seconds to the nearest ten seconds;

(15) A landscape design plan;

(16) Provisions for firefighting services and facilities, including emergency services, if deemed appropriate by the agent of the county.

(D) Site development plan: preparation procedure and specific items to be shown.

(1) Any person submitting a site development plan shall submit written proof of notification of adjacent property owners. Notice sent by mail to the last known address of such owner as shown on the current real estate tax assessment books of Northampton County shall be deemed adequate compliance with this requirement. The provision of notice shall be the responsibility of the owner or the developer. No site development plan shall be approved within ten days of any such notice. The notice shall state: the type of use, the date of submission, the specific location of the proposed development and the appropriate county office where the site plan may be viewed.

(2) The site plan or any portion thereof shall be prepared by persons certified to do such work.

(3) The site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space four inches by four inches in size on the plan face for the use of the approving authority.

(4) The site plan shall be prepared to the scale of one inch equals 50 feet or larger; no sheet shall exceed 42 inches in size.

(5) The site plan may be prepared on one or more sheets. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.

(6) Nine clearly legible blue or black line copies of a site development plan shall be filed with the agent for Northampton County.

(7) Profiles shall be submitted for all sanitary and storm sewers, streets and curbs adjacent thereto, and other utilities and shall be submitted on standard profile sheets. Special studies as required may be submitted on standard cross-section paper and shall have a scale of one inch equal to 50 feet horizontally and one inch equal to five feet vertically. No sheet size shall exceed 42 inches. Flood plain limit studies required shall be shown on all profile sheets with reference to properties affected and center lines of streams.

(8) In addition to the information required on site development plans above, the following specific items shall also be shown on all site development plans if applicable:

(a) Right-of-way line(s), center lines, departing lot lines, lot numbers, subdivision limits, limits of construction and building locations;

(b) Center line curve data, including delta angle, radius, arc, chord and tangent;

(c) Radius of all curb returns to face of curb and on streets where curb and gutter are not required indicate radius to edge of bituminous treatment;

(d) The edge of proposed street surface or the face of curb, as the case may be, for full length of all streets;

(e) The width of rights-of-way, and all easements, and the width of surface or distance between curb faces, and relation to center line. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended and whether they are to be publicly or privately maintained;

(f) When proposed streets intersect with or adjoin existing streets or travel ways, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 100 feet or the length of connection, whichever is the greater distance;

(g) Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, streams and subdrainage and the like;

(h) All water mains, sizes, valves and fire hydrant locations;

(i) All sanitary or septic tank systems and storm sewers and appurtenances, identifying appurtenances by type and number. The station on the plan must conform to the station shown on the profile. Indicate the top and invert elevation of each structure;

(j) The contributing drainage area in acres. Show all culvert pipes, curb inlets and other entrances exclusive of driveway pipes;

(k) Flood plain limits which shall be established by current NFIP maps, soil survey and/or engineering methods;

(l) The location of all or any springs either within the development or draining into street rights-of-way and indicate proposed methods of treatment;

(m) The location of all streams or drainage ways related to the street construction as proposed by the developer and proposed drainage ditches or stream relocation. Easements shall not be considered part of the street right-of-way. Furnish details of a typical drainage section and type of stabilization to be provided;

(n) Type or class of concrete or treated metal drainage pipe to be installed and paved road site ditches as required;

(o) Location of "no-through street" signs where required on cul-de-sac streets or temporary cul-de-sac streets;

(p) The proper driveway entrance type, computed culvert size and/or Virginia Department of Transportation design designation;

(q) Provision at ends of curb and gutter for erosion control;

(r) Typical street sections to be used;

(s) Symmetrical transition of pavement at intersection with existing streets;

(t) Connection to proposed Virginia Department of Transportation construction when necessary;

(u) A minimum of two datum references for elevations used on plans and profiles and correlate, where practical, to U.S. Geological Survey datum;

(v) Any necessary notes that may be required to explain the intent and purposes of specific items on the plan or profile.

(5) Minimum standards and improvements required.

(a) All improvements required to be built in accordance with approvals granted pursuant to this subchapter shall be installed at the cost of the developer. Where cost-sharing or reimbursement agreements between the County of Northampton or its incorporated towns and the developer are appropriate for road improvements, the same shall be recognized by formal written agreement prior to site development plan approval and shall be subject to the Virginia Department of Transportation review and acceptance. Where specifications have been established either by the Virginia Department of Transportation for streets, or by this chapter for related facilities and utilities, such specifications shall be followed. The developer's performance bond shall not be released until construction has been inspected and accepted by the county and by the Virginia Department of Transportation.

(b) Prior to approval of any site plan, there shall be executed by the owner or developer an agreement to construct required physical improvements located within public rights-of-way or easements or connected to any public facility, together with a bond with surety approved by the governing body in the amount of the estimated cost of the required physical improvements as determined by the agent for Northampton County. The agreement and bond or condition shall provide for the completion of all work within a time specified to be determined by the agent.

(c) Condominium and common wall house projects of all types shall indicate on the plat those areas reserved for rental purposes and those areas reserved for sale purposes. All common wall housing projects where programmed for sale purposes shall be required to submit a subdivision plat showing all lots as required by the Subdivision and Land Development Ordinance of Northampton County.

(d) Where the adopted Comprehensive Plan for Northampton County indicates a proposed right-of-way greater than that existing along the boundaries of the site development plan, such addition of right-of-way shall be dedicated for public use when the plan is approved. Where a site development plan is presented on public streets of less than 50 feet in width, additional right-of-way shall be added so that the public street or right-of-way shall be a minimum of 25 feet from the existing center line. All building setbacks shall be measured from the additional dedicated right-of-way.

(e) All street and highway construction standards and geometric design shall be in accord with those specified in the Subdivision Ordinance of Northampton County.

(f) The pavement of vehicular travel lanes or driveways designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than 20 feet in width. On any site bordering a primary or arterial highway or adjacent to an existing service road in the state highway system, the developer, in lieu of providing travel lanes, parking areas and adjacent property, may dedicate land where necessary for such roads. In such event, the setback requirement shall be no greater if the service road is dedicated than the setback required without the dedication, except in no instance shall a building be constructed closer than 50 feet from the nearest right-of-way line. Upon satisfactory completion, inspection, and only upon application by the developer, the county shall take the necessary steps to have such service road accepted by the Virginia Department of Transportation for maintenance.

(g) Where pipestem residential lots are used in a site development plan, the width of the pipestem shall not be less than 25 feet, and the length of the pipestem shall not be greater than 200 feet from the street right-of-way line to which the lot has access, provided the length may be varied upon approval of the agent.

(h) Cul-de-sacs shall be designed and constructed in accordance with the street standards specified in the Subdivision Ordinance of Northampton County and may not be construed or employed as a parking bay.

(i) Parking bays shall be constructed to the same construction standard as the appurtenant public street to which the parking bay abuts and be of a dustless surface.

(j) Where geometric design standards are modified from those required in the Subdivision Ordinance of Northampton County as set forth above, the developer shall be responsible for the placing of "No Parking" signs on all travel lanes, driveways or streets to prohibit parking on such roads or driveways.

(k) Adequate easements shall be provided for drainage and all utilities. Minimum easement width shall be 15 feet. Where multiple structures or pipes are installed or the edge of the easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.

(l) Adequate drainage for the disposition of storm and natural waters both on-site and off-site shall be provided. The extent and nature of both on-site and off-site treatment are to be determined by the agent of the county in conference with the developer.

(m) Provision shall be made for all necessary temporary and permanent erosion and sedimentation control measures, both on- and off-site. The extent of the control measures, both on- and off-site, are to be established by the agent for the county as recommended by Eastern Shore Soil and Water Conservation District and approved by the governing body.

(n) Adequate provision shall be made by the developer of all utilities, both on-site and off-site. Design requirements shall be established by the agent for the county in conference with the developer. Percolation tests and/or other methods of soil evaluation deemed necessary by the Health Department shall be the responsibility of the developer. When central water and/or sewerage systems having sufficient capacity either exist or are proposed within a reasonable distance of the area of the site development plan, provisions shall be made to connect to the system.

(o) All public facilities, utility and drainage easements outside the right-of-way of public streets or access ways are to be shown on the final site development plan. Utility installations to be installed in public streets and rights-of-way shall be coordinated with street construction plans and profiles approved by the Virginia Department of Transportation's resident engineer for Northampton County.

(p) Site development plans for large residential areas shall consider the provision of suitable areas for parks, schools, open space and other public or private recreational use, recognizing proposals for same in the adopted Comprehensive Plan for Northampton County. The developer shall confer with the agent for Northampton County and/or appropriate public officials of the county to ascertain if, and when, and in what manner such areas will be reserved for and/or acquired by the governing body. This provision shall not be construed to preclude the dedication of any property for public use

which is not included in the Comprehensive Plan, provided such property is acceptable to the county for dedication and maintenance.

(q) Adequate fire hydrants and distribution systems shall be provided by the developer in areas where central or public water systems are available.

(r) Provisions shall be made for sidewalks and pedestrian walkways which will enable patrons and/or tenants to walk safely and conveniently from one building to another or to adjacent sites as well. Where essential to circulation and feasible, pedestrian underpasses or overpasses are to be encouraged in conjunction with major vehicular routes. Provision shall be made where appropriate for pedestrian walkways and equestrian ways in relation to private and public areas of recreation and open space; for example, schools, parks, gardens and areas of similar nature. Connections shall be made wherever possible of all walkways and equestrian ways with similar facilities on adjacent developments.

(s) Landscape planting, screening, fences, walks, curbs, gutters and other physical improvements as required by ordinances and the regulations of the Virginia Department of Transportation shall be provided by the developer. The landscape planting area shall consist of not less than the following:

1. Not less than 10% of the developed area covered by a site plan shall be designated as green area which is to be planted with grass, ground cover, trees, shrubs or other landscaping. At least one-half of the landscaped area shall be between the street right-of-way or curb line and the building line;
2. Existing trees within such green area are to be left standing where practicable, or if none exists, new trees shall be planted, so that there shall be at least one tree for every 400 square feet of green area. The trees shall have a minimum trunk diameter of two inches measured 12 inches above the ground line;
3. Trees and plants that are native to the county or are, in the judgement of the Zoning Administrator, compatible with native vegetation, are generally acceptable.

(t) One set of approved plans, profiles and specifications shall be at the site at all times when work is being performed.

(u) When, during construction, any changes are made to improvements as shown on the approved site development plan, the developer shall submit to the agent for the governing body two copies of the completed as-built site plan or building location plat certified by a registered engineer, architect, and surveyor or certified landscape architect. The "as-built site plan" shall be submitted at least one week prior to the anticipated occupancy of any building for the review and approval by the agent for conformity with the approved site plan and the ordinances and regulations of Northampton County and state agencies.

(v) The approval of a site development plan or the installation of the improvement as required in this chapter shall not obligate the county to accept improvements for maintenance, repair or operation. Acceptance shall be subject to county and/or state regulations, where applicable, concerning the acceptance of each type of improvement.

(G) Administration and procedures for processing site development plans.

(1) The agent appointed by the governing body is delegated the authority and power to administer the site development plan section of this chapter.

(2) The Zoning Administrator is designated the agent for Northampton County.

(3) The agent shall be responsible for the receipt, review, processing and approval of site development plans.

(4) The agent may request opinions and/or decisions from other departments, divisions, agencies or authorities of the county government, officials, departments or agencies of the Commonwealth of Virginia or from other persons as may from time to time be retained.

(5) The agent, subject to approval of the governing body, may from time to time establish reasonable administrative procedures necessary for the proper administration of site development plans.

(6) Any person aggrieved of any decision of the agent pursuant to this section may within ten days of such decision appeal in writing to have a determination made by the Board of Zoning Appeals.

(7) Approval, modification and approval, or disapproval of a site development plan by the governing body or its agent shall occur within 90 days of filing of the required documents in the office of the agent, unless abnormal circumstances exist, in which case the time may be extended by action of the governing body.

(8) No public easement, right-of-way or public dedication shown on any site development plan shall be accepted for dedication for public use until such proposed dedication shall first be approved by the governing body and evidence of such approval is shown on the instrument to be recorded.

(9) Approval of a site development plan pursuant to this chapter shall expire 18 months after the date of approval unless building permits have been obtained for construction. Extensions may be granted upon written request by the applicant to the agent for Northampton County prior to lapse of approval and extension of all bond and surety agreements.

(10) No permit shall be issued by any administrative officer or agent of Northampton County for the construction of any building or improvement requiring a permit in any area

covered by the site development plan except in conformity to the provisions of this chapter and after approval of a site development plan.

(11) County agencies responsible for the supervision and enforcement of this chapter shall periodically inspect the site during the period of construction.

(12) Prior to the issuance of a certificate of occupancy upon completion of construction, the agent for Northampton County shall certify to the Building Official that the project complies with all applicable terms of this chapter. Such certification, upon ratification by the governing body, shall release any bonds which may have been furnished.

(13) No change, revision or erasure shall be made on any pending final site development plan or on any accompanying data sheet where approval has been endorsed on the plat or sheets unless authorization for such changes is granted in writing by the approving body or the agent.

(14) Any site development plan may be revised, provided request for revision shall be filed and processed in the same manner as the original site plan.

(15) The Board of Supervisors, by resolution, shall establish from time to time a schedule of fees for the examination and approval or disapproval of site development plans.

**§ 154.060 – 068 GENERAL REGULATIONS FOR ALL ZONING DISTRICTS**

**§ 154.060 GENERAL APPLICATION OF DISTRICT REGULATIONS.**

The regulations set by this subchapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except in the special cases enumerated in this subchapter, or more specific regulations of a zoning district, or if modified by the Board of Zoning Appeals as provided in §§ 154.225 et seq.

(A) Conformity with all regulations. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.

(B) Conformity with density and dimensional regulations. No building shall hereafter be erected, constructed or altered so as to exceed height or bulk limits to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower to smaller rear yards, front yards, side yards or other open spaces than herein specified.

(C) Conformity with yard regulations. No new yard or lot shall hereafter be created nor shall any yard or lot existing at the time of enactment of this chapter be altered so that width, depth or area requirements; front, side, or rear requirements; or other requirements of this chapter are not maintained, except when a portion of a lot is acquired for public use.

(D) Encroachment on existing required yard or open space. No part of a yard, other open space, off street parking space or loading space required about or in connection with any building shall be included as part of a yard for another building, except as provided hereinafter.

(E) Existing building permit valid. Nothing contained herein shall require any changes in the plans or construction of any building for which a valid building permit was granted prior to the effective date of this chapter. However, if such construction does not commence within six months or less after this chapter becomes effective, construction shall be in conformity with the provisions of this chapter for the district in which the activity is located.

**§ 154.061 MEASUREMENT OF CERTAIN DIMENSIONS.**

(A) Lot width.

(1) The lot width at the front lot line shall be measured as the shortest distance between the two points created where the side lot lines intersect the front lot line.

(2) The lot width at the front building line shall be measured as the shortest distance along a straight line which passes through a point on each side lot line and the point on the

building, structure or use, subject to such regulation, nearest the front lot line.

(3) The lot width at the shoreline shall be measured at the straight line distance which is the shortest of the following:

(a) A line between the points of intersection of the side lot lines with the shoreline;

(b) A line drawn perpendicular to a side lot line from the point of intersection with the shoreline and intersecting the other side lot line or such side lot line extended.

(B) Tidal wetlands, coastal primary sand dunes and water areas excluded from lot area. In calculating the area of any lot for the purpose of compliance with the minimum lot area requirements of the district regulations, tidal wetlands, coastal primary sand dunes, freshwater ponds, and areas waterward of the shoreline shall be excluded.

#### **§ 154.062 LOT REQUIREMENTS.**

(A) Frontage on public street or private road. Every lot established hereafter and used for single-family residential development shall have a frontage on a public street or private road of not less than 75% of the lot width at the required building setback line, except that the frontage of lots located on the turnaround of cul-de-sac streets may be reduced to 50% of the width at the building line.

(B) Encroachment on area of existing lot prohibited. The area of an existing lot shall not be reduced or diminished so that the yards or other open spaces shall be smaller than the yards or open spaces required by the district in which the lot is located, nor shall any portion of a lot be used, sold or otherwise separated from the main tract which is not in conformity with the area and dimensional regulations for lots in the district in which the tract is located.

(C) Required setbacks cannot be reduced. No lot shall be reduced in area so as to make any setback or any other open space less than the minimum required by this chapter, and, if already less than the minimum required, such setback shall not further be reduced, except as a variance by approval of the Board of Appeals. No part of a setback or other open space complying with the requirements of this chapter shall be considered as part of the required setback or other open space required under this chapter for another building, structure or use.

#### **§ 154.063 TEMPORARY BUILDINGS.**

(A) Temporary construction structures. Temporary buildings and structures, including mobile homes, recreational vehicles, and other highway vehicles may be erected or placed on a construction site in all districts as an accessory structure if such buildings, structures, or vehicles are incidental and reasonably necessary to construction work on the premises. Such temporary buildings, structures or vehicles shall be placed on a construction site only after a building permit

has been issued for the on-site construction work to be performed. When such construction work is completed or abandoned, when the building permit expires or is revoked, whichever comes first, such temporary buildings, structures or vehicles shall be removed.

(B) Temporary emergency housing. If an occupied single-family dwelling or mobile home in any district shall burn, flood or be otherwise damaged or destroyed by any cause to a degree so as to make it unsafe or unhealthy for human occupancy, nothing in this chapter shall prohibit the temporary placement of a mobile home on the premises as an accessory structure for the purpose of providing emergency housing for the displaced occupants, provided the mobile home is placed in the location on the property specified by the Planning Director, the mobile home is provided with a water supply and sewage disposal system approved by the Health Officer and the mobile home shall be removed from the site when the damaged dwelling is repaired or replaced or within 12 months, whichever shall come first, except that the Planning Director may grant, for good cause shown, an extension not to exceed an additional six months.

#### **§ 154.064 ACCESSORY USES.**

(A) Location and height. No accessory structures, except accessory dwellings, signs and temporary structures, shall be located in any required front yard, unless the lot is situated such that a shoreline constitutes the rear lot line. On such waterfront lot, an accessory structure may be placed in the front yard, provided that the minimum front setback is met in such structure visible from a public road is heavily screened with opaque vegetation that would be expected to grow to the height of the building. On a corner lot no accessory structure shall be located nearer a corner lot line than the minimum side building setback required in the district. No accessory structures within 15 feet of a lot line shall be more than 15 feet in height. Accessory dwellings shall be sited in accordance with the provision set forth in § 154.111.

(B) Not permitted prior to principal use or structure. No accessory use or structure shall be permitted on a lot until:

- (1) The principal use or structure has previously been established; or
- (2) Construction has begun on the principal structure and is diligently pursued.

(C) Ingress and egress part of principal use. The route of ingress and egress to a use is considered to be accessory to the principal use and therefore required to be in a zoning district which permits the principal use which it serves.

#### **§ 154.065 OCCUPANCY BY CARETAKER.**

The occupancy of a building or premises by a caretaker or watchman for sleeping quarters shall not constitute a residential use within the meaning of this chapter.

**§ 154.066 SUBDIVISION LOTS IN APPROVED SUBDIVISION.**

Nothing in this chapter shall be construed to prevent the filing of a final plat of a residential subdivision, nor the sale or use of any lot within such subdivision for a single-family dwelling purpose in cases where the preliminary plat upon which the final plat is based was approved and is still valid pursuant to regulations in effect at the time of passage of this chapter, provided that such final plat is filed not more than 12 months from the date of adoption of this provision.

**§ 154.067 PARKING AND LOADING.**

All buildings or structures hereafter erected or enlarged shall conform to the off-street parking and loading regulation for specific uses as specified for the district in which such building or structure is located.

**§ 154.068 TRAFFIC VISIBILITY.**

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede a motorist's vision between a height of two and one-half and ten feet above the centerline grades of the intersecting roads in the area bounded by the road rights-of-way adjoining such corner lot and a line joining points along such road rights-of-way 50 feet from this point of intersection.

**§ 154.080 – 085 ZONING DISTRICTS AND MAPS**

**§ 154.080 ZONING ORDINANCE TEXT AND MAPS ARE UNIFIED DOCUMENT.**

(A) The purpose of this subchapter is to establish zoning district classifications of such size and shape as the Board of Supervisors deems the best suited to carry out the purposes of VA Code Title 15.2, Chapter 22, Article VII, as amended.

(B) The zoning district classifications identified in this subchapter and shown on a Zoning District Map, together with the written regulations set forth in this chapter, shall be considered and interpreted as a single-integrated document and taken together they shall be known as the Zoning Ordinance of the County of Northampton, Virginia.

**§ 154.081 ZONING DISTRICTS CREATED.**

For purposes of this chapter, the following classes of districts and sub-districts are created: principal zoning districts, secondary zoning districts, overlay zoning districts, floating zone districts, and existing business districts.

(A) Principal zoning districts. The entire territory under the jurisdiction of Northampton County, exclusive of the incorporated towns, is classified into principal zoning districts to be known and cited as:

- (1) Conservation District (C);
- (2) Agricultural District (A);
- (3) Rural Village District (RV);
- (4) Community Development District (CD);
- (5) Rural Waterfront Village District (RWV).

(B) Secondary zoning districts. The Agricultural (A), Rural Village District (RV) and the Community Development District (CD) are further classified into secondary zoning districts.

(1) The Agricultural District (A) is subclassified into two secondary zoning districts to be known and cited as:

- (a) Agricultural - 1 District (A-1);
- (b) Agricultural - 2 District (A-2). The A-2 District shall only be established

or modified by the Board of Supervisors as a zoning map amendment as provided for in this chapter.

(2) The Rural Village District (RV) is subclassified into four secondary zoning districts to be known and cited as:

- (a) Rural Residential District (RV-RR);
- (b) Residential District (RV-R);
- (c) Residential Mixed District (RV-RM);
- (d) Commercial District (RV-C).

(3) The Community Development District (CD) is subclassified into six secondary zoning districts to be known and cited as:

- (a) Rural Residential District (CD-RR);
- (b) Single-Family Residential District (CD-R1);
- (c) Residential Mixed District (CD-RM);
- (d) Commercial Neighborhood District (CD-CN);
- (e) Commercial General District (CD-CG);
- (f) Manufacturing and Industrial District (CD-M1).

(4) The Rural Waterfront Village District (RWV) is subclassified into three secondary zoning districts to be know and cited as:

- (a) Rural Waterfront Village- Residential (RWV-R);
- (b) Rural Waterfront Village- Commercial (RWV-C); and
- (c) Rural Waterfront Village- Agriculture (RWV-A).

(C) Overlay zoning districts.

(1) In addition to the principal and secondary zoning classifications, special overlay districts are established to be known and cited as:

- (a) Historic Preservation District (HP);
- (b) Chesapeake /Atlantic Preservation District (CAP).

(2) The overlay zoning districts shall apply only to the specific territory delineated on the Zoning District Map, together with other maps adopted by reference, as included within the boundaries of each respective overlay zoning district. Regulations of the overlay district supplement regulations of any principal or secondary zoning district in which the overlay zoning district is located and shall not be interpreted to diminish or replace such regulations.

(D) Floating zone districts.

(1) The following districts shall be known as floating zone districts. These districts apply to special categories of projects described in this subsection, and then only to the specific land upon which such developments are planned and approved pursuant to procedures set forth in this chapter.

- (a) Mobile Home Park District (MHP);
- (b) Planned Industrial District (PI);
- (c) Planned Rural Village District (PRV).

(2) Regulations established through the approval of a floating zone district by the Board of Supervisors shall have the following characteristics:

(a) They shall supplement and/or modify the regulations of the underlying principal or secondary zoning district to the extent approved by the Board of Supervisors at the time the floating zone is created;

(b) Each floating zone district shall be established for the purpose of approving a specific community development plan as an integral unit within the spirit and intent of the principal or secondary zoning district in which it is located and within the development goals in the county's Comprehensive Plan;

(c) The application for approval of a floating zone shall be accompanied by a preliminary site plan of the proposed development, together with any special conditions to be proffered.

(E) Existing Business District (EB). The intent of this special zoning district and its secondary districts (CN, CG, and M1) is to recognize commercial uses and zones outside of rural village and community development areas which exist at the date of adoption of this chapter but which are not consistent with the Comprehensive Plan for the future development of Northampton County. The existing business designation shall be granted to all actively operating businesses and to all parcels rezoned to any commercial or industrial category between January 19, 1983 and the date of adoption of this chapter but which will be outside the rural villages and community development areas at the adoption of this chapter. The Comprehensive Plan states the county's intent to minimize strip commercial development along US Route 13 and other public roadways, to focus future development in community development areas and rural villages, and

to maintain US Route 13 as a free flowing transportation corridor. Therefore:

(1) Such existing business zones shall have the full and unencumbered right to perform any use allowed in the CD-CN, CD-CG, and CD-M1 zones as set forth in Appendix A, whichever best matches their zoning status before adoption of this chapter. They shall also have the right to continue operating under the regulations of the commercial or industrial district in which they were located at the date of adoption of this chapter. The regulations existing at the time of adoption of this chapter for the CG - Commercial General, CN - Commercial Neighborhood, CW - Commercial Waterfront, IL - Industrial Limited, and IG - Industrial General Districts are included as an appendix to this chapter;

(2) Such existing business zones shall not be enlarged after the date of adoption of this chapter; however, a use being performed within an existing business zone may expand to the limits of the existing site;

(3) It is the intent of Northampton County not to create any additional existing business zones subsequent to the adoption of this chapter. All future commercial zoning should be dealt with in the designated community development areas and rural villages. The presence of an existing business zone shall not serve as justification for future commercial zonings outside these rural villages and community development areas.

**§ 154.082 STATEMENTS OF INTENT FOR PRIMARY AND SECONDARY ZONING DISTRICTS.**

**(A) (C) Conservation District.**

The intent of this District is:

(1) To protect the resources of the Atlantic (Seaside) coastal area, the Barrier Islands, tidal marshes, and intercoastal waters between the islands and the mainland from any actions that would degrade the environment of those areas and threaten them as nursery and habitat for marine life, waterfowl, and other forms of wildlife;

(2) To help insure the viability of the seafood industry, which is dependent upon these fragile and environmentally important coastal areas;

(3) To protect limited areas in the Chesapeake Bay coastal area that may be identified as important nursery and habitat for marine life and waterfowl;

(4) To protect limited upland coastal areas identified as unique or unusual enough to warrant preservation because of geology, habitat, or contribution to water quality.

**(B) (A) Agricultural District.**

The intent of this District is:

(1) To protect the prime agricultural soils of the county;

(2) To help maintain the rural character of the county;

(3) To provide an area in which the agricultural and forestry industries of the county may freely practice the "right to farm" (as set forth in VA Code §§ 3.1-22.28 and 3.1-22.29, as amended), including the right to till the soil, plant, grow, and harvest crops, livestock and timber, with the attendant noise, dust, odor, chemical applications, and the like, provided that such activities are consistent with accepted agricultural and silvicultural practices and are not performed in a negligent manner;

(4) To provide for low density, rural housing compatible with the rural, agricultural quality of the District and arranged to minimize impact upon agricultural activities and to maximize open space which may be used for agriculture and forestry.

(5) Accordingly, two secondary districts are provided.

(a) (A-1) Agricultural - 1. The intent of this secondary district is to provide areas for the primary purpose of practicing agriculture and forestry which will minimize adverse impacts on groundwater supplies and other natural resources, including wildlife habitat. Residential densities shall be very low and designed to be compatible with the primarily agricultural purpose of the district.

(b) (A-2) Agricultural - 2. The intent of this secondary district is to provide areas of low density, rural housing compatible with the rural quality of the district and arranged to minimize impacts upon agriculture and forestry; to protect natural resources, wildlife habitat, and conserve groundwater; and to conserve open space for the use and enjoyment of residents of such rural districts.

**(C) (RV) Rural Village District.**

The intent of this District is:

(1) To recognize the traditional villages of Northampton County and other such clusters of development in rural areas that have begun to take on the qualities of a village; and

(2) To provide for a mixture of residential and commercial uses which are compatible with a rural village setting. Accordingly, four sub-districts are provided.

(a) (RV-RR) Rural Village - Rural Residential. The intent of this secondary district is:

1. To provide a transition area between the principally agricultural areas and the more intensely residential areas of the county. Agricultural users may still practice the "right to farm" but must recognize that some practices may

need to be modified when used in close proximity to residential areas;

2. To provide for a mixture of agricultural uses and compatible residential uses of intermediate density in:

a. Transition areas between agricultural uses and the more intensely residential portions of Rural Villages;

b. Areas of population expansion in keeping with rural lifestyle.

(b) (RV-R) Rural Village - Residential. The intent of this secondary district is:

1. To provide residential lots large enough to accommodate both individual water systems and sewage disposal systems on the same site;

2. To allow limited non-single family uses up to four units per site with on-site water and sewer systems;

3. To allow for the continued use of mobile homes on lots of record in platted subdivisions which were zoned AR Agriculture Residential on the date of adoption of this chapter.

(c) (RV-RM) Rural Village - Residential Mixed. The intent of this District is:

1. To provide for variety and flexibility in "villages" and its residential development through a full range of housing types;

2. To protect the residential character of "villages" from encroachment of commercial and other uses likely to create a negative impact.

(d) (RV-C) Rural Village - Commercial. The intent of this secondary district is:

1. To recognize existing commercial areas already established in rural villages;

2. To provide for additional commercial areas compatible with a rural village setting.

**(D) (CD) Community Development District.**

The intent of this District is:

(1) To recognize the existing areas of Northampton County which are already established around incorporated towns;

(2) To provide a framework around which major public services may be provided or efficiently expanded; and

(3) To provide a range of zoning districts for the development of residential, commercial, and environmentally compatible industrial uses.

(4) Accordingly, the following secondary zoning districts are provided.

(a) (CD-RR) Community Development - Rural Residential. The intent of this secondary district is:

1. To provide residential lots large enough to accommodate both individual water systems and sewage disposal systems on the same site in areas which in the future may be compatible with public water and sewer services;

2. To provide a transition area between the principally agricultural areas and the more intensely residential areas of the county. Agricultural users may still practice the "right to farm" but must recognize that some practices may need to be modified when used in close proximity to residential areas;

3. To provide for a mixture of agricultural uses and compatible residential uses of intermediate density in:

a. Transition areas between agricultural uses and the more intensely residential portion of community development areas;

b. Areas of population expansion in keeping with rural lifestyle.

(b) (CD-R1) Community Development - Single-Family Residential District. The intent of this secondary district is:

1. To provide for single family residential uses at a density sufficient to support public water and sewage systems;

2. To protect the residential character of the district from the encroachment of commercial, industrial, or other uses likely to generate large concentrations of traffic, dust, odor, smoke, light, noise, and other influences which would adversely impact residential uses.

(c) (CD-RM) Community Development - Residential Mixed. The intent of this secondary district is:

1. To allow greater residential densities in areas served by public water and sewer systems;

2. To provide for variety and flexibility in residential development through a full range of housing types, including apartments, town houses, duplexes, and condominiums;

3. To protect the residential character of the district from the encroachment of commercial, industrial, or other uses likely to generate large concentrations of traffic, dust, odor, smoke, light, noise, and other influences which would adversely impact residential uses.

(d) (CD-CN) Community Development - Commercial Neighborhood. The intent of this secondary district is to provide for the usual retail services necessary for the convenience of residential neighborhoods within community development areas and the surrounding rural areas.

(e) (CD-CG) Community Development - Commercial General District. The intent of this secondary district is to provide for a broad range of commercial and service uses, in which sales or services may be offered on or off the premises and which may be characterized by relatively heavy vehicle and truck traffic and occasionally by other nuisance factors.

(f) (CD-M1) Community Development - Manufacturing and Industrial District. The intent of this secondary district is:

1. To provide for industrial and related uses which are compatible with the sensitive environment of the county and which involve:

a. Distribution of bulk products not generally marketed directly to retail customers;

b. Industrial or manufacturing processes which do not use or emit as a byproduct waste or harmful quantities of materials which would significantly harm the environment of the county;

2. To provide appropriate locations for industrial uses, recognizing that such uses may create some nuisance and are not properly associated with, nor compatible with, residential and retail commercial uses.

**(E) (RWV) Rural Waterfront District.**

The intent of this principal district is to recognize the distinct traditional waterfront villages in Northampton County and to provide for a mixture of residential, commercial, and agricultural uses which are compatible with a rural village setting, designed to preserve water quality and view sheds, and serve to support its residents and the local economy with traditional seafood, farming, and related industries that are clean, environmentally low impact, and ecologically sound. Accordingly, three sub-districts are provided.

(1) (RWV-R) Rural Waterfront Village- Residential. The intent of this secondary district is to provide a mix of housing types, with single-family units predominating that are compatible in scale with the traditional characteristics of the village.

(2) (RWV-C) Rural Waterfront Village- Commercial. The intent of this secondary district is to recognize existing commercial areas and to allow for environmentally low-impact commercial activities which preserve the pristine quality of ground and surface waters and other natural resources in the village.

(3) (RWV-A) Rural Waterfront Village- Agriculture. The intent of this secondary district is to recognize existing agricultural uses while ensuring that farming activities protect wetlands and ground and surface waters.

### **§ 154.083 OVERLAY ZONING DISTRICTS.**

The purpose and intent of special overlay districts are set forth here and also with the regulations for such districts elsewhere in this chapter.

#### **(A) (HP) Historic Preservation District.**

The intent of this overlay district is to promote the general welfare by creating within the county an atmosphere of appreciation for our past heritage through the perpetuation of those historic landmarks, buildings or structures, herein referred to as historic landmarks, within the county as officially designated by the Virginia Historic Landmarks Commission and established by the Board of Supervisors as having historic or architectural significance.

#### **(B) (CAP) Chesapeake/Atlantic Preservation District.**

The intent of this overlay district is:

(1) To implement the requirements of VA Code Title 62.1, Chapter 3.1, Article 2.5, § 62.1-44.15:67, as amended (The Chesapeake Bay Preservation Act). The intent of the Board of Supervisors and the purpose of the Overlay District is to:

- (a) Protect existing high quality state waters;
- (b) Restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
- (c) Safeguard the clean waters of the Commonwealth from pollution;
- (d) Prevent any increase in pollution;

(e) Reduce existing pollution; and

(f) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Northampton County.

(2) This District shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake/Atlantic Preservation District shall also lie in one or more of the other zoning districts provided for by the zoning ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in other applicable ordinances shall be followed in reviewing and approving development, redevelopment, and uses governed by this subchapter.

### **§ 154.084 FLOATING ZONE DISTRICTS.**

(A) The intent of floating zoning districts is to allow suitable design of specific projects so that such projects can comply with the goals and objectives of the county while allowing flexibility of project design.

(B) Several floating zone districts are created and defined in §§ 154.175 et seq.

(1) Mobile Home Park District (MHP).

(2) Planned Industrial District (PID).

(3) Planned Rural Village District (PRV).

### **§ 154.085 ZONING MAP.**

(A) Establishment of Official Zoning District Map. The boundaries of the zoning districts are shown on the Official Zoning Map of Northampton County, Virginia, which together with all notations, amendments and explanatory matter thereon are made a part of this chapter. The Official Zoning Map shall be attested by the signature of the Chairperson of the Board of Supervisors, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator where it shall be accessible to the general public. An exact copy of such map shall be filed with the Clerk of the Circuit Court of Northampton County, Virginia.

(B) Replacement of lost or damaged map.

(1) In the event that any part or all of the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map.

(2) The new Official Zoning Map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the

original official zoning map or any subsequent amendment thereof.

(3) The new Official Zoning Map shall be attested by the signature of the Chairperson of the Board of Supervisors and shall be witnessed. Unless the prior official zoning map or maps have been lost or totally destroyed, the prior map or maps, or any significant parts thereof, remaining shall be preserved, together with all available records pertaining to the adoption and amendment, if any, of the prior map or maps.

(C) Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply.

(1) Unless otherwise indicated, district boundaries indicated as approximately following the center lines of existing or proposed roads, streets, highways, alleys or railroads, mean low water or center lines, as indicated, of streams, ponds, drainage ditches, or other natural and man-made bodies of water, property lines, or civil boundaries, shall be construed to follow such lines. In the event of change in shorelines, the boundary shall be construed as moving with the actual shoreline.

(2) Boundaries indicated as parallel to or extensions of features indicated in subsection (1) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(3) If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the size of the scale shown on the Official Zoning Map.

(4) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of §§ 154.225 et seq.

(5) Where the exact location of district boundaries is not clear after application of the rules presented, the Board of Zoning Appeals shall hear and decide such questions in accordance with the provisions of §§ 154.225 et seq.

(6) In case any territory has not been specifically included within a district or where territory becomes a part of the unincorporated area of Northampton County by accretion or by detachment from any municipality or the dissolution thereof, such territory shall automatically be classified in the most restrictive contiguous district until otherwise classified, except in those cases where the incorporated town is under the jurisdiction of this chapter, then the existing zone shall govern.

**§ 154.100 – 114 PERFORMANCE STANDARDS**

**§ 154.100 GENERALLY.**

(A) No permitted or special permit use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the applicable performance standards established by this subchapter.

(B) Any existing use that complies with the applicable performance standards of this subchapter on the effective date of this chapter shall continue to so comply.

(C) If, at such time, the operations of any lawful existing use violate any of the applicable performance standards of the subchapter, such operations shall not be varied or changed in such a way as to increase the degree of such violation.

(D) The fact that the operations of a lawful existing use violate the applicable performance standards of this subchapter shall not in and of itself make such use subject to the requirements of §§ 154.245 et seq. relating to nonconformities.

**§ 154.101 STANDARDS FOR CHESAPEAKE/ ATLANTIC PRESERVATION AREA.**

(A) The performance standards to be applied in the Chesapeake/Atlantic Preservation Area District are fully set forth in § 154.164.

(B) These standards shall be applied in all areas of the county.

**§ 154.102 STANDARDS FOR MARINA SITING.**

In addition to the standards set forth under Chesapeake/Atlantic Preservation District, when considering the siting of publicly owned or privately owned commercial marinas as special uses, the applicant shall demonstrate that:

(A) The physical dimensions and characteristics of the water body should be compatible with the size of the marina and the type of vessels it will house. For example, a shallow cove or basin is not an appropriate site for a deep draft sailboat marina;

(B) The marina has sufficient upland area to provide all necessary parking, stormwater management BMP's, fuel, and sanitary facilities without filling wetlands or subaqueous bottom;

(C) The marina is located in an area with good natural flushing to minimize the build-up of organic material and other pollutants on the bottom;

- (D) There are no areas of very high natural resource value such as shellfish beds, seagrass communities, and areas frequented by endangered species;
- (E) No shellfish leases have been transferred in order to accommodate marina development;
- (F) The concentration of slips in a single facility is justified to prevent disturbance along undeveloped shorelines.

**§ 154.103 STANDARDS FOR DEVELOPMENT IN AGRICULTURAL DISTRICTS.**

In order to promote the county's Comprehensive Plan goals of preserving prime or unique agricultural and woodland areas and limiting the scale of residential development in agricultural areas, and in recognition of the fact that the groundwater supply is limited and vulnerable to both depletion and contamination, the following standards are established in the Agricultural Districts.

(A) Agricultural - 1 (A-1) District. The overall residential density in the A-1 District shall be one unit per 20 acres. Sliding scale lots of 20,000 square feet may be divided from the base parcel as provided herein.

(1) Base parcels. Base parcels shall be the property lines existing in the public records of the county on the date of adoption of this chapter. Such existing property lines shall denote the base parcels to be used in the application of these provisions.

(2) Buildable area. Buildable area shall be the upland portion of a base parcel. In no case shall any tidal wetlands or other areas regulated by the Northampton County Wetlands Board be considered part of the buildable area of any base parcel.

(3) Sliding scale "bonus" lots.

(a) The owner(s) of any base parcel that is not a lot in a recorded subdivision may divide from that base parcel a certain number of lots which are a minimum of 20,000 square feet in area, prior to the imposition of the density limitation. The number of such lots will be determined by the size of the buildable area of the base parcel and the following table

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Base Parcel	Lots at 1:20	Bonus Lots	Total Lots
7 - 9.9 acres	1	1	2
10 - 14.9 acres	1	2	3
Base Parcel	Lots at 1:20	Bonus Lots	Total Lots
15 - 19.9 acres	1	3	4
15-19.9 acres	1	3	4
20 - 39.9 acres	1	4	5
40 - 59.9 acres	2	5	7
60 - 79.9 acres	3	5	8
80 - 99.9 acres	4	4	8
100 - 119.9 acres	5	3	8
120 - 139.9 acres	7	1	8
160+ acres	8+	0	8+

(b) The residue of the base parcel may be developed at a density of one dwelling unit per 20 acres. If the residue of any base parcel is less than 20 acres, it will retain one dwelling unit right.

(B) Agricultural - 2 (A-2) District. The overall residential density in the A-2 District shall be one unit per five acres. Development in the A-2 District shall require a zoning amendment in accordance with § 154.043. Development in the A-2 District is subject to the provisions of § 154.104.

**§ 154.104 STANDARDS FOR OPEN SPACE PRESERVATION.**

In order to comply with the county’s Comprehensive Plan goals of preserving rural character, supporting the agricultural, seafood, and tourist industries, and conserving the county’s natural resources, certain zoning districts require that open space be set aside and maintained. Open space is required to fulfill the statements of intent for these zoning districts. It is also desirable for the use and enjoyment of residents and occupants of a specific development or project in principally residential zoning districts. Therefore, this section will set forth an open space ratio requiring that open space be created and maintained in the Conservation (C), Agricultural - 2 (A-2), and Rural Village Rural Residential (RR) zoning districts.

(A) Open space ratio established.

(1) Accordingly an open space ratio, that portion of a property which must remain open and undeveloped, is established in the following zoning districts and proportions:

(a) Conservation District (C): 98%;

- (b) Agricultural-2 District (A-2): 75%;
- (c) Rural Village-Rural Residential District (RV-RR): 60%.

(2) Base parcels shall be the property lines existing in the public records of the county on the date of adoption of this chapter. The existing property lines shall denote the base parcels to be used in the application of these provisions.

(3) Buildable area shall be the upland portion of a base parcel. In no case shall any tidal wetlands or other areas regulated by the Northampton County Wetlands Board be considered part of the buildable area of any base parcel.

(4) The open space ratio will be applied to the buildable area of the base parcel.

(B) Two kinds of open space established. There shall be two kinds of open space recognized in Northampton County: non-common, held primarily for the use of its owner(s) and apart from the use of residents on lots which may have been divided from it; and common, held primarily for the use and enjoyment of the residents of a specific project or development. Non-common open space may be most useful in the more rural areas of the county. Common open space may be most useful in the principally residential areas of the county. Either type may be used to meet any requirement of this chapter for formally recognized open space; however, in no case shall the ownership of open space, either non-common or common, be subdivided. Nothing, however, shall prevent multiple uses of common open space under certain circumstances, such as open space that is to be used for farming and open space that is to be used for the passive or active recreation of residents.

(1) Non-common open space. Non-common open space shall be all lands in open space which are not a part of individual lots and which are designed for the primary benefit of the person(s) to which ownership is proposed. The non-common open space shall meet at least one of the following criteria: it is agriculturally significant for the production of crops or livestock and contains a minimum 5 A; it is suitable for the production of forestal products and contains a minimum 5 A; it is of significant scenic, historic, natural or environmental value and is important to the marine or upland wildlife habitat and contains a minimum 5 A.

(a) Procedure to establish non-common open space.

1. All lands and improvements shall be described and identified as to location, size, use, and control in an open space easement.

2. Restrictive deeds shall be written to include prohibition of commercial, industrial, and residential development in the designated open space and shall limit the use of non-common open space to those uses allowed in Category 1, Agricultural Uses, of Appendix A which are not commercial, industrial, or residential.

3. Before an applicant can establish non-common open space, the following documents must be submitted to and approved by the county: the covenants or restrictions relating to use of the property, including provisions for perpetuation and maintenance, and a complete listing and description of all land, buildings, equipment, and facilities. These documents shall be reviewed by the County Attorney and approved by the Planning Commission before any final plat or site plan is approved. Such documents, once approved, shall become part of any recorded subdivision plat or approved site plan.

(b) Non-common open space maintained. No lands in non-common open space shall be denuded, defaced, or used in a manner not consistent with the deed restrictions placed upon them. If the Board determines that the public interest requires assurance that the owners are in compliance with those deed restrictions, then the Board may proceed as below (with the owners of the non-common open space in place of the organization which maintains common open space).

(c) Non-common open space for partial development. A property owner may divide a number of residential lots from the base parcel which is less than the maximum number of such lots which would be permitted by the existing zoning. However, non-common open space contiguous to such lots and in the appropriate proportion for the number of lots divided and the zoning district must be set aside in the manner described above with the necessary deed restrictions and a plat indicating the location of the residential lots and the contiguous open space. The deed restrictions and plat shall be put to record with the Clerk of the Court of Northampton County.

(d) Non-common open space converted to common open space. The owners of non-common open space may apply to the Director of Planning for a change in status from non-common open space to common open space and the resulting common open space may be purchased by the Homeowners Association of lot owners divided from the original base parcel.

(e) Non-common open space sold. Non-common open space shall not be divided, but nothing shall prevent its sale to new owners whether private, a land trust, or other similar conservation-organization on condition that its open space status be maintained as specified in its deed restrictions.

(f) Siting of lots, private roads, and non-common open space on base parcel. The siting of residential lots divided from a base parcel shall minimize disturbance of existing land uses, the rural character of the area, and of natural resources. The siting of open space shall maximize the protection of natural resources, agricultural, and forestal land. An applicant shall submit a sketch plan with the application suggesting appropriate siting, or the applicant shall consult with the county staff in development of the conceptual preliminary plan described in subsection 1 below. In either case, the proposal shall be evaluated using the criteria in subsection 2 below.

1. Conceptual preliminary plan and four-step design process. The

siting of various elements of a project shall be accomplished through the development of a conceptual preliminary plan. The process begins with a Site Analysis and Existing Features Plan and proceeds to development of a conceptual preliminary plan which shall be submitted with the application. Each conceptual preliminary plan shall follow a four step design process described below and shall be preceded by a pre-application conference with the county's planning staff. When the conceptual preliminary plan is submitted, applicants shall be prepared to demonstrate to the Director of Planning that these four design steps were followed by their site designers in determining the layout of their proposed residential lots, roadways, buffer areas, and open space areas.

a. Designating open space. Identify all important features of the base parcel such as woodlands, farmlands, existing roadways, existing buildings, hedgerows, streams, soil types, topography, and other important natural features and choose the areas that should remain open.

b. Locate house sites. Locate house sites, generally not closer than 100 feet from open space areas and minimize disturbance to important natural features identified in step one.

c. Locate roads. Align proposed roads to provide vehicular access to each house in the most reasonable and economic way that avoids or minimizes adverse impacts on open space areas and natural features identified in step one.

d. Place lot lines. Draw in lot lines, road rights-of-way, and open space boundaries.

2. Evaluation criteria for the preliminary plan. In evaluating the layouts of lots, open space, and roadways, the following criteria will be considered as indicating design appropriate to the site's natural historic and cultural features thereby meeting the purposes of this chapter. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between developed areas and open space areas. Accordingly, the Director of Planning and the Planning Commission shall evaluate proposals to determine whether the proposed conceptual plan meets the following criteria, where applicable, to the maximum feasible extent:

a. Protects and preserves all floodplains, wetlands, important agricultural and forestall lands, and groundwater recharge areas from encroachment by clearing, grading, filling or construction to the maximum extent possible;

b. Preserves and maintains mature woodlands, existing fields, pastures or meadows and creates sufficient buffer areas to minimize conflict between residential and agricultural uses;

c. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils or in locations at the edge of a field as seen from existing public roads. A visual buffer of vegetation consisting of a variety of indigenous trees, shrubs and wildflowers shall be considered;

d. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands, surface waters, and tidal shorelines;

e. Designs around existing hedgerows and tree lines between fields. Minimizes impacts on large woodlands, especially those containing many mature trees or a significant wildlife habitat. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When woodland is developed, care shall be taken to design all disturbed areas (buildings, roads, septic fields and the like) in locations where there are not large trees of obvious wildlife habitat value;

f. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways;

g. Protects bird and wildlife habitat areas, including hedgerows and forest complete with understory and scrub vegetation for migratory bird species;

h. Includes, designs around and protects sites of historic, archaeological or cultural value and their environs insofar as needed to safeguard the character of the feature;

i. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting on existing public roads and establishing buffer zones along the scenic corridor of rural roads.

3. Alternative private road provisions and siting. When required open space is set aside, the private road requirements to serve residential lots divided from the base parcel shall be:

a. The width of the right-of-way to be platted shall be 50 feet;

b. The authority and design standard for private roads are found in the Northampton County Subdivision Ordinance; however those design standards are presented here for information purposes:

- i. Platted right-of-way: 50 feet minimum;
  - ii. Travel way: 18 feet minimum;
  - iii. Graded shoulders and drainage: sufficient width to accommodate drainage (ditching) if deemed necessary by Planning Staff and Natural Resource and Conservation Service;
- c. The siting of the private road shall minimize disturbance of existing land uses, the rural character of the area, and of natural resources and shall take into consideration the factors listed above;
- d. The private road shall remain private as long as the deed restrictions creating the required open space from the same base parcel remain in place;
- e. The maintenance of the private road shall be the responsibility of the owners of the lots created from the base parcel, and the deeds and plats of all such lots and of the required open space shall set forth that responsibility;
- f. The area of the private road shall be considered part of the buildable area of the base parcel when it is contiguous to a residential lot. The area of the private road shall not be considered part of the buildable area when it is not contiguous to a residential lot.

4. Final approval of preliminary and final plan. Within 60 days of the submission of the completed preliminary plan to the Director of Planning, it shall be considered by the Planning Commission. The preliminary plan may become final with the recommendation of the Director of Planning and approval of the Planning Commission.

(2) Common open space. Common open space shall be all open space within the boundaries of a given property or project that is set aside for the use and enjoyment by all residents of the development or by residents of a designated portion of a development. Common open space shall remain in the ownership of a homeowners association or a non-profit land trust which can manage it for the benefit of the homeowners association. Common open space shall not include any part of any individual lot, driveway, parking lot or other vehicular surface or any area occupied by a building.

(a) Procedure to set aside common open space. Before an applicant can establish common open space, the following documents must be submitted to and approved by the county: the covenants or restrictions relating to use of the property, including provisions for perpetuation and maintenance and a complete listing and description of all land, buildings, equipment, and facilities. These documents shall be

reviewed by the County Attorney and approved by the Planning Commission before any final plat or site plan is approved. Such documents, once approved, shall become part of any recorded subdivision plat or approved site plan.

(b) Siting of lots, roads and common open space on base parcels. The siting of lots, roads, and open space shall follow the same procedure and standards as set forth above.

(c) Common open space maintained. No lands in common open space shall be denuded or defaced. Since the public interest requires assurance as to adequate maintenance of common open space, the county may:

1. Serve notice in writing upon the organization responsible for maintenance as specified above or its successors setting forth the manner in which the organization has failed to maintain the common open space or improvements in reasonable condition, demanding that such deficiencies be cured within 30 days, and setting a public hearing within 20 days;

2. Conduct such public hearing before the Board of Supervisors or an entity designated by the Board. At such public hearing, the county may modify terms of original notice and may grant an extension of time within which deficiencies may be cured;

3. If deficiencies found by the Board at public hearing are not remedied within the time allowed by the Board, the county, in order to preserve taxable values and to prevent common open space and its improvements from becoming a public nuisance, may enter said common open space and maintain it for one year. Such entry shall not vest in the public any rights to use the common open space unless such rights are voluntarily dedicated to the public by the owners. The cost of such maintenance by the county shall be assessed rateably against the properties within the development that have a right of enjoyment of the common open space and improvements, shall become a charge against such properties, and shall be paid by the owners of the property within 30 days after receipt of a statement of such charges.

4. Before the expiration of the said one year maintenance period, upon notice in writing to such organization or to the residents of the development, the Board shall call a public hearing at which the organization shall show cause why maintenance by the county should not continue for a succeeding one year period. If the Board determines that such organization is ready and able to maintain the common open space and improvements in reasonable condition, then the county shall cease to maintain the common open space at the end of the said one year period. If the Board determines that such organization is not ready and able to maintain the common open space and improvements in a reasonable condition, then the county may continue to maintain the common open space and improvements during the succeeding year, subject to a similar hearing and

determination in each year thereafter.

(3) Change in status from common to non-common open space. Application may be made to the Director of Planning for a change in status from common open space to non-common open space as provided for above, and the resulting non-common open space may be offered for sale, but its buyers must maintain the non-common open space status.

(4) Modification or termination of both non-common and common open space. All open space deed restrictions (or easements) shall provide that after 25 years they may be changed or modified by a majority vote of all Board members, and a majority vote of the homeowners association or lot owners, and a majority vote of other public body who are party to same, provided that the vote by the Board shall be after a public hearing and shall be based on a positive finding that: the uses to which the open space was restricted are no longer possible and are in conflict with a duly adopted Comprehensive Plan; and that substitute open space proposed by the applicant is of at least equivalent usefulness and acreage and would better comply with the duly adopted Comprehensive Plan; or that there is no provision in the Comprehensive Plan or this chapter advancing the purpose for which the deed restriction was originally required.

#### **§ 154.105 LANDSCAPE PLAN REQUIREMENTS AND STANDARDS.**

(A) Authority and intent. Pursuant to VA Code §§ 15.2-2283 and 15.2-2284 and in order to further the goals of the Northampton County Comprehensive Plan to protect natural resources while pursuing economic self-sufficiency for all citizens, it is the intent of this section to protect existing vegetation and provide for the installation of new vegetation at newly developed sites specifically in order to:

- (1) Facilitate the creation of a convenient, attractive, and harmonious community;
- (2) Protect the natural environment, including forestal land;
- (3) Protect against flooding;
- (4) Encourage economic development; while
- (5) Protecting surface water quality in the Chesapeake/Atlantic Preservation Area of Northampton County; and
- (6) Protecting groundwater quality in a State Groundwater Management Area with highly pervious soils where groundwater is very sensitive to contamination.

(B) Conflict. If the provisions of this section conflict with other lawfully adopted ordinances or regulations, then the most restrictive shall govern or prevail to the extent of the conflict.

(C) Jurisdiction and exemptions. In addition to the requirements of the Chesapeake/Atlantic Preservation District, this performance standard shall apply to all development and

redevelopment within Northampton County, and no department (or board) shall issue any permit, zoning clearance, special use permit, rezoning approval, variance approval, waiver approval, exception approval, subdivision approval or site plan review approval unless compliance with the vegetation protection and installation requirements of this section is insured. However, nothing in this section is intended to prohibit agriculture, silviculture, horticulture or nursery operations in the county, and in the case of hurricanes or other natural disasters, this section may be waived by the County Administrator to the extent necessary to ensure the safety of life and property. The regulations set forth herein shall apply to all real property within the county, subject to the following exceptions.

(1) Forestry. All bona fide silviculture activities shall be exempt from both vegetation protection and installation performance standards.

(2) Wetlands. Wetlands mitigation plans shall be exempt from vegetation protection and installation performance standards, provided that such plan has been approved by the Northampton County Wetlands Board.

(3) Nurseries. Commercial nursery operations shall be exempt from vegetation protection performance standards for the purpose of producing marketable nursery stock but not the installation performance standards and other requirements of this chapter as it applies to land use for offices, buildings and marketing operations.

(4) Agriculture. All bona fide agricultural operations shall be exempt from the vegetation protection and installation performance standards except as specified in §154.110.

(5) Utilities. Individual and public utilities and utility companies shall be exempt from vegetation protection and installation performance standards for the purpose of maintaining or creating easements to provide safe clearance for the utility, provided that a Memorandum of Understanding (MOU) with Northampton County has been executed. Such MOUs shall at a minimum:

(a) Recognize the need to minimize the cutting or pruning of vegetation which does not frustrate or substantially interfere with the intended purpose of construction or maintenance;

(b) Specifies a consultation process with the county prior to the commencement of major construction or maintenance or the removal of trees greater than six inches DBH;

(c) Provides that a breach of such MOU constitutes a violation of this chapter and a loss of exemption from the requirements of this chapter.

(6) State agencies. State agencies shall be exempt from the vegetation protection and installation performance standards but shall be encouraged to follow guidance set forth herein.

(7) Federal agencies. Federal agencies shall be exempt from vegetation protection

and installation performance standards but shall be encouraged to follow guidance set forth herein.

(8) County agencies. County agencies shall be exempt from the vegetation protection and installation performance standards to the extent necessary to provide services to citizens and provide for their health, safety, and welfare.

(D) Vegetation protection standards. Protective barricades shall be placed around all protected vegetation located in development or redevelopment areas and designated to be saved on the approved site plan. Prior to the commencement of site work, protective barricades shall be installed by the contractor and inspected by the Northampton County Planning Department. This inspection may coincide with the initial erosion and sediment control inspection and may continue as a part of the following erosion and sediment control inspection throughout the project. The protective barricades shall remain in place until all site work is inspected for completeness. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, vehicle and development activities.

(1) Protective barricades. Protective barricades shall be erected according to the following standards:

(a) Five feet outside the dripline of protected vegetation as defined in this chapter;

(b) 15 feet outside the dripline of trees greater than 24 inches DBH.

(2) Construction within protective barricades. Changes in grade, construction of hardened surfaces (pervious or impervious) or utilities within the required protective barricade shall be permitted subject to the following standards:

(a) Changes in grade and construction of utilities shall comply with the specification described in the Virginia Erosion and Sediment Control Handbook (as amended), Chapter III, Standards and Specification 3.37 & 3.38;

(b) Construction of hardened surfaces shall not be permitted within five feet of the base of protected vegetation or within 15 feet of the base of trees greater than 24 inches DBH, unless special construction methods, including but not limited to root feeders and porous paving materials are used and certified as acceptable by a reputable arborist or qualified organization;

(c) All roots outside the protective barricade to be removed during construction shall be severed clean (root pruned) and a two inch layer of mulch shall be applied over the surface of the exposed roots;

(d) All pruning of protected vegetation greater than six inches DBH shall be done in accordance with pruning standards adopted by the National Arborist Association.

(E) Vegetation installation requirements. No new site development, redevelopment, building, structure or vehicular use area (parking lot, internal/external access ways, driveways and the like) shall hereafter occur, be erected, constructed or used, nor shall any existing building, structure or vehicular use area be expanded, unless the minimum vegetation installation is provided as required in the provisions below:

- (1) Existing vegetation can be used to satisfy vegetation installation requirements;
- (2) Replacement vegetation cannot be used to satisfy vegetation installation requirements;
- (3) Vegetation installations can be placed within building setbacks and the CBPA 100 foot buffers;
- (4) Except as required below, the need for vegetation installation will be evaluated within the context of site plan review consistent with this chapter and the Chesapeake/Atlantic Preservation District requirements found herein.

(F) Situations requiring vegetation installation. In order to accomplish the purpose of this section, there shall be requirements for vegetation installation in the following situations:

- (1) Roadway frontage;
- (2) Parking lots - peripheral/interior;
- (3) Perimeter screening;
- (4) Refuse collection facilities;
- (5) Chesapeake/Atlantic Preservation Area: 100 foot buffer area or vegetation is removed.

(G) Roadway frontage installation requirements.

(1) On the site of a building or structure or open lot use providing an off-street parking, loading or other vehicular use area, where such area will not be entirely screened visually from all adjacent public rights-of-way by an intervening building or structure, vegetation shall be required along any property boundary that abuts the public right-of-way of a public street, road or highway.

(2) A planting area at least five feet in depth shall be located between the abutting right-of-way and any off-street parking, loading or other vehicular use area, except where permitted driveway openings and pedestrian ways are to be provided. The planting area shall be planted in accordance with the following standards:

- (a) A combination of trees and hedge or approved wall, fence or earthen berm

may be utilized to form the continuous element; and

(b) All portions of the planting area not planted with hedge and trees or covered by wall or fence shall be planted in grass and/or groundcover.

(H) Parking lot peripheral/interior installation requirements. Peripheral planting shall be provided along any side of an off-street parking, loading or other vehicular use area that abuts adjoining property and not a right-of-way of a public street, road or highway. Such planting shall be provided as follows.

(1) Peripheral parking lot installation requirements. A planting area at least five feet in depth shall be located between the abutting property lines and the parking, loading or other vehicular use area, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the planting area shall be located between the parking, loading or other vehicular use area and the utility or drainage easements.

(2) Interior parking lot planting requirements. Planting islands shall be provided such that no more than ten spaces shall be permitted without being interrupted by a planting island. Planting islands shall consist of shrubs, canopy trees, and understory trees. Division (G) above and subsection (H) (1) shall not be used to satisfy interior parking lot requirements.

(I) Perimeter screening. Perimeter screening shall be required to separate a proposed use from different land uses or zoning districts.

(1) Perimeter screening, generally.

(a) Perimeter screening shall vary in depth and in planting requirements according to the existing use or zoning district of the adjoining property.

(b) Perimeter screening shall be located along the perimeter of a lot or parcel and shall extend to the boundary line of the lot or parcel. Perimeter screening shall not be located on any portion of an existing public or private street right-of-way. Where utility or drainage easements exist along property lines, the perimeter screening shall be located adjacent to the utility or drainage easement.

(c) Required perimeter screening shall be designated as part of platted lots and/or on an approved site plan. The following notation shall be lettered on the face of both the preliminary and final subdivision plats and/or site plans:

**PERIMETER SCREENING:** - The use and maintenance of the perimeter screening area and the building of structures thereon is restricted pursuant to § 154.105 of the Northampton County Zoning Ordinance.

(d) Perimeter screening may be one of two kinds, opaque or semi-opaque.

1. Opaque perimeter screening is intended to create a strong

impression of spatial separation and to preclude visual contact.

2. Semi-opaque perimeter screening is intended to maintain a sense of spatial separation and to partially block visual contact.

(e) Compliance of planted perimeter screening will be evaluated on the basis of average height and density of plant material upon maturity. Suitability of existing vegetation to fulfill the requirements of planted perimeter screening shall be judged on the basis of field observation.

(2) Perimeter screening types established. The following perimeter screening types are established combining different depths and degrees of density.

(a) Type A. Perimeter Screening A shall maintain a depth of 15 feet and shall be semi-opaque. Upon maturity, Type A screening shall not contain any completely unobstructed opening more than ten feet in width.

(b) Type B. Perimeter Screening B shall maintain a depth of 25 feet and shall be semi-opaque in all seasons of the year. Upon maturity Type B screening shall not contain any unobstructed openings more than ten feet in width.

(c) Type C. Perimeter Screening C shall maintain a depth of 50 feet and shall be semi-opaque in all seasons of the year. Upon maturity, the buffer shall not contain any unobstructed openings more than ten feet in width.

(d) Type D. Perimeter Screening D shall maintain a depth of 50 feet and shall be opaque in all seasons of the year.

(3) Schedule of required perimeter screening established. Perimeter screening for all development and redevelopment shall be required as set forth in the chart at the end of this section.

(J) Refuse collection site screening. Refuse collection facilities shall be screened from view by an opaque enclosure composed of evergreen vegetation, fence, wall or a combination of the same, except as follows:

(1) Where screened from view by an intervening building or structure; and

(2) Excluding views from adjacent properties zoned or used for industrial purposes.

(K) 100 foot buffer of Chesapeake/Atlantic Preservation District. See § 154.164.

(L) Safety. Pedestrian and vehicular safety in and around parking lots shall be considered when reviewing the installation plan for compliance with the requirements of this section.

(M) Submission of a Vegetation Protection and Installation Plan (Landscape Plan).

(1) Application for site plan and subdivision approval:

(a) Applications for site plan approval and building permits under this chapter shall include a scaled vegetation survey locating all existing natural vegetation. The site drawing shall also show the proposed construction footprint and vegetation protection measures;

(b) Applications for the subdivision of land as defined under the Northampton County Land Development and Subdivision Ordinance shall include a scaled vegetation survey locating ail existing natural vegetation. The subdivision drawing shall show the location of all proposed roads, property lines of proposed lots, and provisions for the vegetation protection measures.

(2) Review standards. The construction footprint will be reviewed based upon the following criteria:

(a) Requirements of §§ 154.040 et seq.;

(b) Requirements of § 154.164;

(c) Requirements of this section.

Existing Zoning District	New Principal Use and Screening Type Required							
	Agricultural	Commercial	Community Service	Industrial	Marine	Recreation	Residential Single	Residential Mixed
Conservation/ Ag.	–	A	A	D	A	B	B	B
RV: RR, R	–	B	A	D	B	A	B	B
RV: C	–	A	A	A	B	A	A	A
CD: RR, R1	–	B	A	D	B	A	A	A
CD: RM	–	B	A	D	B	A	D	D
CD: CN	–	A	A	D	A	A	B	B
CD: CG	–	A	A	C	A	A	B	B
CD: M1	–	A	B	–	A	A	C	C
MHP	–	B	A	C	B	A	B	B
PID	–	A	A	–	–	A	C	C
PRV	–	B	–	D	A	A	–	–

Key to Screening Types:

- A = 15 feet, semi-opaque
- B = 25 feet, semi-opaque
- C = 50 feet, semi-opaque
- D = 50 feet, opaque

**§ 154.106 STANDARDS FOR COMMERCIAL AND INDUSTRIAL ROAD FRONTAGE.**

(A) Purpose and intent. The purpose of this section is to further the county's Comprehensive Plan goals of preserving natural resources and rural character while pursuing improved economic self-sufficiency for all its citizens. Since progress toward these goals is often focused along the county's transportation corridors, these goals may best be pursued through the promotion of development that is compatible with the design and capacity of the county roadways. These standards will:

- (1) Encourage orderly economic development compatible with the county's goals and existing communities;
- (2) Ensure a free flow of traffic and prevent congestion on the county's principal roads;
- (3) Minimize adverse economic impacts on existing incorporated towns;
- (4) Create a generally convenient, attractive, and harmonious community.

(B) Roadways classified. Accordingly, the roadways of the county are classified into the following categories:

- (1) Class I, Main Roads: U.S. Route 13 (Lankford Highway) and U.S. Route 184 (Stone Road);
- (2) Class II, North/South Secondary Roads: State Rt. 600 (Seaside Road) and State Routes 618, 619, and 622 (Bayside Road);
- (3) Class III, Neck Roads: All Bayside neck roads, including U. S. Route 183;
- (4) Class IV, Village Roads: All roads which are within a Rural Village designated on the County Zoning Map and all secondary roads within one-half mile of the Rural Village zoning boundary;
- (5) Class V, Subdivision Roads: All roads within recorded subdivisions;
- (6) Class VI, Other Roads: All other named roads.

(C) Projects affected require unified plan of development. All proposed commercial and industrial projects, including Planned Industrial Districts and Planned Rural Villages, shall address the following issues when any portion of the project, whether principal structure, parking area, accessory structure, or other element necessary to the performance of the principal use is within 500 feet of a Class I, II, or III road, or within 200 feet of a Class IV road. The issues shall be addressed through a unified plan of development which includes a sketch plan to illustrate the project and written proposals that indicate how the final site plan would deal with these elements.

(1) Access to Class I, II, III, and IV roads shall be limited to one for ingress/egress and one for egress only/emergency use. No individual business within a project shall have direct access to these classes of roads. Individual businesses shall be served by streets internal to the project.

(2) Services including water supply, sewage disposal, and storm water management shall be designed to serve the whole project and in such a manner that water and sewer lines can easily be tied to public central services when such central services are available or become available in the future.

(3) Yard requirements shall be as set forth in Appendix D except that setbacks from public rights-of-way for commercial projects may be relieved to 50 feet when business entrances for customers and parking areas are on the off-road side of the building(s), the building(s) are screened using the vegetation standards in this subchapter and the project complies with all other requirements of this section.

(4) Utility lines, including electric, telephone, cable television and other similar lines, shall be located underground unless required by the utility company to be otherwise located. Junction and access boxes shall be screened with vegetation.

(5) Outside storage of salvage and unlicensed or inoperable vehicles or equipment shall be prohibited. If outside storage is required, it shall be screened from the view of any public road or adjoining property by perimeter screening placed according to this chapter.

(6) Driveways and parking areas are regulated by §§ 154.205 et seq. All commercial and industrial development is required by Chesapeake/Atlantic Preservation District regulations to minimize impervious surfaces whenever possible in order to promote infiltration of stormwater into the ground; therefore, grid and modular pavements may be used for any required driveway or parking area, and curb and gutters may be minimized through the use of grass strips and swales.

(7) Loading areas shall be designed so as to minimize visibility from any class of road or from any project perimeter which, at the time of construction, adjoins a residential zoning district.

(8) Exterior lighting shall be arranged so that light is directed in such a manner that it does not affect traffic adversely on any class of road and is directed away from adjoining properties. All exterior lighting shall not exceed 0.5 foot-candles above background when

measured at the lot line of any adjoining property.

(9) Signage is regulated in §§ 154.190 et seq.

(D) Site plan review. Site plan review to ensure compliance with this standard shall be described in this chapter.

### **§ 154.107 STANDARDS FOR AIRPORTS.**

(A) Purpose and intent. The purpose of this section is, for the general welfare of the county and for safety of air navigation, to provide guidance and standards for those landowners within the county who wish to construct an airport facility and to insure that other nearby landowners and the citizens of the county have the opportunity to understand what is being proposed and to comment at public hearing.

(B) Airport defined. Airport shall be any facility designed for the purpose of allowing aircraft to take off or to land. In Northampton County, an airport shall be further defined as one or more of the following types.

(1) Type H, Heliports. Any airport designed for the takeoff and landing of helicopters, with a landing area not greater than 10,000 square feet and a surface of either grass or pavement as specified in its special use permit.

(2) Type U, Ultralight. Any airport landing strip designed for use of aircraft defined by FAA as being ultralight. Its maximum dimensions shall be 50 feet x 1,000 feet and its surface shall be grass/turf.

(3) Type P, Private Personal. Any airport designed for the private, personal use of the applicant and the applicant's family. Its maximum dimensions shall be 60 feet x 3,000 feet and its surface shall be grass/turf.

(4) Type M, Private Multiple Users. Any airport designed for the private, noncommercial use of subdivision lot owners or other nearby landowners. Airport Type M is intended to have multiple users who may have personal or corporate airplanes or helicopters which use the landing strip and are hangered near or adjacent to the airport. Its maximum dimensions shall be 60 feet x 3,000 feet and its surface shall be grass/turf.

(5) Type A, Agricultural. Any airport where aircraft may take off or land for the purpose of applying agricultural chemicals. Its maximum dimensions shall be 60 feet by 3,000 feet.

(6) Type C, Commercial (Public). Any airport where aircraft of all types may take off or land to perform any of the above uses and to discharge or receive cargo and/or passengers and where fuel, maintenance and other support infrastructure are available. Such an airport may be either privately owned by an individual, partnership, or corporation; or it may be publicly owned

by an incorporated town, city, county, state, federal government, or a public authority whose purpose is to operate such an airport. This section places no limit on dimension or surface type or the landing areas of a Type C Airport, although such specification may be made through special use permit or conditional zoning that permits a Type C Airport. The application and approval process requires detailed development plans and approval of the proposed facility by the Virginia Department of Aviation and the Federal Aviation Administration.

(C) Airport type to be disclosed. Any applicant for a special use permit or rezoning that will allow an airport to be developed shall disclose in the application for such SUP or rezoning which type(s) of airport will be operated. A change or addition in type of use shall require an additional public hearing process.

(D) Runway orientation. Applicants for a special use permit or rezoning that will allow a new airport to be developed shall consider the presence of existing airports when determining the orientation of new runways.

(1) All existing airports within a radius of 10,000 feet (two miles) of the proposed landing area shall be indicated on an appropriate map (of specified scale).

(2) The extended centerline of existing runways shall be indicated on the same map to a length of 10,000 feet from each end of the existing runways.

(3) The extended centerline of the proposed runway shall not intersect that of an existing runway any closer to the end of the existing runway than the distance in feet specified in the following table:

Existing Airport	New Airport Type				
	H	U	P, A	M	C
H	NA	2,000	2,000	2,000	2,000
U	2,000	2,000	2,000	2,000	2,000
P, A	2,000	4,000	4,000	4,000	10,000
M	2,000	4,000	4,000	4,000	10,000
C	2,000	4,000	4,000	4,000	10,000

(4) If extended centerlines intersect at a point closer to the existing airport runway than indicated in the table, then the proposed runway will have to be reoriented so that its

placement complies with the table distances.

(E) Runway over run areas. Any over-run areas proposed by the applicant or required as a condition of a special use permit or rezoning shall be clearly marked and shall be only for emergency use, not for regular use in normal-take off and landings.

(F) Runway and landing area setbacks. The endpoint of all proposed runways or helicopter landing areas shall be no closer to the applicant's property line than 250 feet. Within this setback area there shall be no structures.

(G) Airports and nearby development. For airport types H, U, P, M, and A it shall be the responsibility and option of the applicant owner to limit any nearby development which might interfere with runway approaches through the acquisition of easements or other agreements from nearby property owners and recordation of such easements with the Clerk of the court. For Airport Type C an Airport Protection Overlay Zone may be requested by the airport operators and granted by the Board of Supervisors as specified in § 154.163.

(H) Agreement on rules of the air. For airport Types H, P, M, A, and C, the applicant shall contact the owners/operators of existing Type P, M, A, and C airports within 10,000 feet and propose a Rules of the Air Agreement. Such an agreement shall propose runway approach patterns, radio frequencies and other safety procedures that may be proposed for the new airport. Existing airport owner/operators shall have the opportunity to make alternative suggestions. Northampton County encourages airport operators to come to a mutual agreement on such safety procedures. However, if such mutual agreement cannot be reached, the applicant for a new airport shall propose approach patterns and radio frequencies which shall become public information through the public hearing process and inclusion in the minutes of the Planning Commission and Board of Supervisors.

(I) Virginia Department of Aviation (VDA) evaluation. Any applicant for a special use permit or rezoning that will allow an airport to be developed shall submit the proposal, including runway specifications, runway orientation, over-run areas, rules of the air proposals and agreements, and any other relevant information to the Virginia Department of Aviation for evaluation and comment. The VDA response shall be made available to the county staff before any public hearings are scheduled.

#### **§ 154.108 AFFORDABLE HOUSING INCENTIVES AND STANDARDS.**

(A) Purpose and intent. It is the intent of Northampton County to work toward realistic and practical solutions for its housing problems. The purpose of this section is:

(1) To establish an incentive to encourage developers in rural areas of the county to assist with solutions for housing needs;

(2) To establish development standards to assist land owners, developers, health department officials, and local housing officials in finding creative solutions for housing

problems.

(B) Affordable, low and moderate income (LMI) housing defined. In the context of this chapter, the following definitions shall apply.

(1) **AFFORDABLE HOUSING.** Housing for individuals and families earning less than 120% of the area median income, as determined by the U.S. Department of Housing and Urban Development.

(2) **VERY LOW INCOME.** Individual or family earning 50% or less of the current area median income.

(3) **LOW INCOME.** Individual or family earning 50% to 80% of the current area median income.

(4) **MIDDLE INCOME.** Individual or family earning 80% to 120% of the current area median income.

(5) **LMI.** An abbreviation for low and middle income used here to mean all three of the income categories defined above.

(C) Affordable housing oversight and planning. The Northampton County Board of Supervisors designates as its agent the Accomack-Northampton Regional Housing Authority, or such other entity, hereinafter, "the agent." The agent is charged with the responsibility for:

(1) Ensuring that units said to be affordable LMI units meet that definition in fact;

(2) Assisting landowners and developers planning affordable LMI units;

(3) The agent for the Board of Supervisors shall report directly to the Board any violation of this provision and shall recommend enforcement action to the Zoning Administrator who shall be responsible for carrying out such enforcement action.

(D) Affordable housing density bonus. In the Agricultural (A) Principal Zoning District, and in the residential zoning districts in RV and CD Zones, for each unit of affordable LMI housing, as defined in division (B) above, included within a development project the developer may increase the gross number of dwelling units by one-half unit to a maximum 20% increase in the original gross density of the project.

(1) Affordable LMI units shall compose not less than 12.5% of the total units in the project.

(2) Affordable LMI units shall be available for sale or rent to low and moderate income occupants for no less than 280 days from the date on which a certificate of occupancy is issued. Such availability to LMI occupants shall be certified by the agent and reported in writing to the county's Zoning Administrator.

(a) When such affordable LMI units are available for lease, they shall continue to be available for lease to LMI occupants for a period of 25 years from the date of issue of the original certificate of occupancy unless sold to an LMI occupant during that period.

(b) If 280 days pass without such units being rented or sold to LMI occupants, then they shall be available to any occupant regardless of income level.

(3) This bonus must be requested and granted as a part of the approval process for any project before construction has begun.

(4) This bonus may be earned separately from and in addition to any other density bonuses offered by the county.

(E) Affordable housing zone performance standards. It is the intent of the A, RV and CD zoning districts to provide landowners and developers with the opportunity to find creative housing solutions by reducing lot sizes, sharing water and sewer services among several units (when appropriate), placing individual water and sewer systems on lots smaller than normally required, and ensuring that there will be no special use permits required for any residential housing units placed within these zoning districts. Property owners who want to develop affordable housing are encouraged to seek assistance from the county's agent for specific advice in the following areas.

(1) Lot size. Single family lot sizes may be reduced to 15,000 square feet when the County Health Department certifies that well and septic systems may be safely placed on such a lot or shared services are available. All other residential unit types permitted shall adhere to Appendices B and C for minimum requirement, subject to Health Department approval.

(2) Water and sewer services. Water and sewer services may be shared by two or more units with the approval of the Health Department for the design of the systems and the approval of the agent for a plan to maintain and operate the shared systems or a community system approval by the Northampton County Board of Supervisors.

#### **§ 154.109 STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES.**

(A) Purpose and intent.

(1) The purpose of this section is to establish standards for the siting of wireless telecommunication service facilities. The goals are to:

(a) Promote the general safety, welfare, and quality of life for county residents;

- (b) Assure availability of wireless telecommunication service to the public;
- (c) Discourage the location of telecommunication towers in residential areas;
- (d) Discourage the development of new sites for transmission and receiving stations by encouraging co-location on existing facilities; and
- (e) Minimize adverse impacts, including visual impacts, on areas surrounding tower sites.

(2) It shall be the county's policy to have new wireless communications facilities co-locate, to the extent possible, on existing buildings, structures, and towers in order to minimize the need for new towers.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANTENNA ARRAY.** One or more whips, panels, discs, or similar devices under 20 feet in height used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (whip, satellite dish), directional antenna (panel, microwave dish), and parabolic antenna (disc), but not including satellite earth stations. The antenna array does not include the support structure as defined in this section.

**ATTACHED WIRELESS COMMUNICATIONS FACILITY (ATTACHED WCF).** An antenna array that is attached or affixed to an existing building or structure (including but not limited to a utility pole, sign, or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the antenna array to the existing building or structure.

**CO-LOCATION** (sometimes **COL-LOCATION**). Use of a common WCF or common support structure by two or more wireless communications license holders or by one wireless communications license holder for more than one type of communications technology, or placement of a WCF on a structure owned or operated by a utility or other public entity, or placement of an attached WCF.

**EQUIPMENT FACILITY.** Any accessory structure used to contain ancillary equipment for WCF which may include cabinets, small shelters, pedestals, or other similar structures.

**SUPPORT STRUCTURE.** Any structure designed and constructed specifically to support an antenna array, and may include a monopole, transmission tower, and other similar structures. Any device used to attach an attached WCF to an existing building or structure shall be excluded from this definition.

**MONOPOLE.** A single self-supporting pole structure, tapering from base to top and supporting a fixture designed to hold one or more antennas.

**TRANSMISSION TOWER.** A lattice structure, guyed or self-supporting, used to support

antennas.

**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.

**WIRELESS COMMUNICATIONS 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.

(C) Performance standards. The following performance standards shall be applied to all WCFs.

(1) Antenna arrays. Structure-mounted and roof-mounted antennas and related unmanned equipment may be developed subject to the performance standards below.

(a) An antenna array is permitted by right to co-locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower, water tower, or building, provided that the installation of the new facility does not increase the height of the existing structure by more than 20 feet, to a maximum of 199 feet, subject to the other standards included herein. Such installations shall not require a special use permit but shall require site plan approval by the county and shall be added to the county inventory of wireless facilities. Any increase in height of an existing structure greater than 20 feet shall require a special use permit; however, under no circumstances shall the total height of a structure exceed 199 feet.

(b) Satellite and microwave dishes attached to towers and monopoles shall not exceed six feet in diameter.

(c) Omnidirectional antennas shall be of a material or color which matches the exterior of the building or structure.

(d) Directional or panel antennas shall be of a material or color which matches the exterior of the building or structure.

(e) No commercial advertising shall be allowed on any antenna.

(f) Signals Administration (FAA), or any other state or federal authority.

(2) Support structures (transmission towers and monopoles). All support structures will require the approval of a special use permit and shall be subject to the following standards.

(a) Where technically and reasonably feasible, monopoles will be considered

preferable to lattice structures.

(b) New support structures and equipment facilities shall be subject to the site plan review and approval requirements set forth herein. Approval of a site plan is required before a building permit is issued.

(c) Unless otherwise required by the FCC or the FAA, the proposed WCF shall harmonize with development in the vicinity with respect to color, lighting, materials, and architecture. In addition, the facility shall be located within the interior of the property and screened by any existing vegetation to the extent practicable.

(d) New support structures shall be designed to accommodate at least three providers, but not so many as to necessitate a very tall, thick tower.

(e) The maximum height of a WCF shall be 199 feet.

(f) Support structures shall be designed to collapse within the lot lines or lease lines, if leased area does not conform to property lot lines, in case of structural failure.

(g) No signals, lights, or illumination shall be permitted on a tower or monopole, unless required by the FCC, the FAA, or other state or federal authorities.

(h) No commercial advertising or signs shall be allowed on a tower, monopole, or associated structures.

(i) No tower or monopole shall be located within a designated historic district.

(j) Applicants for a special use permit for any WCF shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding by the FAA that the proposed facility is not a hazard or obstruction to aviation shall be a condition for the issuance of any special use permit.

(k) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

(l) The following setback requirements shall apply to all support structures.

1. Transmission towers and monopoles must be set back from any off-site residential structure no less than 400 feet and set back from any property line a minimum of 150 feet.

2. Guy wires and accessory facilities must be set back a minimum of 25 feet from any property line.

(m) WCFs shall be enclosed by security fencing no less than eight feet in height and equipped with an appropriate anti-climbing device. The fence shall have a 24-hour emergency phone number posted.

(n) The following requirements shall govern the landscaping surrounding WCFs.

1. WCFs shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of the support buildings from adjacent properties. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the facilities.

2. Existing vegetation may be removed only as authorized during the site plan review process to permit construction of the WCF and installation of vehicular and utility access.

(o) Noise generated by the facility shall be limited to 50 dBA above ambient levels except when a back-up generator is needed.

(3) Submission requirements. Applicants for a special use permit under this section shall submit the following information.

(a) Documentation in written and graphic form regarding the service area to be provided by the proposed WCF. This shall include propagation maps demonstrating that the facility, with co-location capabilities, is no higher in elevation than necessary.

(b) A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Zoning Administrator, the Planning Commission, or the Board of Supervisors may require other information to assess compliance with this chapter. Additionally, the applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground, and the background of the site.

(c) An engineering report which includes a statement of justification for the proposed site selection. The Zoning Administrator may require a review by a professional licensed engineer of any of the information required above. The costs incurred by Northampton County for such review shall be paid by the applicant.

(d) The applicant shall submit a written commitment to the county that they shall allow other wireless carriers to co-locate antennas and other wireless facilities on the proposed facility unless the applicant is able to certify that:

1. No additional need is anticipated for any other potential user in the vicinity; or

2. There is some valid economic, technological, or physical reason why co-location is not possible on the proposed facility.

(e) Each applicant for a WCF shall provide to the Northampton County Department of Planning and Zoning a Comprehensive Plan of its existing facilities in Northampton County, its anticipated facility needs and probable future location sites. The Department shall maintain an inventory of wireless facility sites and may share such information with other applicants applying for approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the locality; provided, however, that the Department shall not, by sharing information, in any way represent or warrant that such sites are available or suitable.

(4) Applicants shall demonstrate a good-faith effort to co-locate with other service providers. Such demonstration shall include evidence of contact with all other licensed carriers operating in the county and written justification from said carriers and the applicant if co-location is not feasible. In the event that other carriers refuse to respond to the applicant, submittal of certified mail receipts and copies of correspondence shall be considered demonstration of good-faith effort. One or more of the following factors shall constitute justification:

(a) No existing towers or structures are located within the geographic areas required to meet applicant's engineering requirements;

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;

(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 applicants 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 unreasonable;

(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 same 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. If there are two 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 as closely as possible 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 for a WCF shall be reviewed 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 three-year 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 DOMESTIC HUSBANDRY, TRADITIONAL HUSBANDRY AND INTENSIVE FARMING USES, FACILITIES, STRUCTURES AND BUILDINGS.**

(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.

Findings. The Board hereby finds that the standards in this section were established by considering their impact on the agriculture, aquaculture and tourism industries in the county, on the proximity of A/RB Districts to extensive surface water resources, and on the proximity of established residential Villages, Hamlets, and other rural neighborhoods to the A/RB Districts.

The Board further finds that one or more substantial impacts on the public health, safety, or welfare have been identified when these standards are set by this section.

These substantial impacts, and the thresholds and standards related thereto, are based upon the comprehensive plan, study and existing state standards.

In addition, the board finds that the thresholds and standards established herein are the minimum necessary in order to satisfy the relevant policies, goals, and objectives of the comprehensive plan without allowing the activities and structures permitted by this section to cause substantial impacts and thereby endanger the public health, safety, or welfare.

(B) Definitions. The following applicable definitions are in addition to those set forth in § 154.003.

**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.

**COMPOST SHED.** Free standing buildings built for the purpose of stockpiling and composting carcasses of dead poultry.

**MANURE STORAGE.** Freestanding buildings built for the purpose of stockpiling and composting manure derived from intensive livestock facilities or intensive poultry facilities.

**MATURE WOODLANDS.** Land occupied by native trees and under-story vegetation of at least 20 years of age.

(C) Minimum requirements for traditional farm-based livestock husbandry. Livestock facilities shall be situated on five acres or more, excluding federally defined tidal and non-tidal wetlands.

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

(E) 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: 10 feet.
3. From tidal waters, wetlands, and perennial streams: 100 feet

(3) Setbacks for CAFOs, AFOs and manure storage and compost structures. Facilities shall be situated according to the following setbacks:

(a) From a public road right-of-way: 1,000 feet.

(b) From the limits of an incorporated town or Town Edge District: 1,500 feet.

(c) From Villages, Waterfront Villages, Hamlet/Residential, Waterfront Hamlet/Residential, Existing Cottage Community/Residential, and Existing Subdivision/Residential Districts: 1,500 feet.

(d) From any property line: 1,000 feet.

(e) From tidal waters: 2,000 feet.

(F) Minimum requirements for CAFOs.

(1) Compost sheds must be operational upon commencement of the facility operation.

(2) Manure storage must be operational at the commencement of the facility operation.

(3) Perimeter screening Type C shall be installed and maintained as established in §154.105 Landscape plan requirement and standards.

(G) Animal waste handling. All animal wastes must be contained so that none are allowed to enter a Resource Protection Area. All manure storage must be at least 1,000 feet from a property line.

(H) Lagoons. Lagoons to serve livestock compounds may be permitted with a special use permit.

(I) Submittals required. No CAFOs are permitted until the developer has submitted to the county the following: a Nutrient Management Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan, approved by the appropriate agencies. The County reserves its right to ensure any such plans are consistent with County Ordinances, including this Chapter. In addition, the operator must submit for county approval, a Contingency Plan for fire response, emergency response, public health response and vector control.

### **§ 154.111 ACCESSORY DWELLINGS.**

(A) An accessory dwelling shall not be counted as a unit when calculating density, but shall be counted as a part of the single-family dwelling unit to which it is subordinate as one total unit, contingent upon it being designed, located, constructed and maintained in compliance with the following standards:

(B) General standards for all accessory dwellings.

(1) The accessory dwelling shall be located on the same lot as single-family dwelling to which it is accessory and the single-family dwelling may be constructed before or after the issuance of a permit for the accessory dwelling the setbacks that apply to principal structures and buildings shall apply;

(2) The accessory dwelling shall be limited to a maximum of two bedrooms;

(3) Only one accessory dwelling shall be permitted for each detached single-family dwelling and shall not be permitted accessory to a multi-family dwelling;

(4) The accessory dwelling shall be owned by the same owner as the detached single-family dwelling to which it is accessory and the owner shall reside in the detached single-family dwelling or the accessory dwelling;

(5) The accessory dwelling shall be served by a water supply and septic system approved by the Virginia Department of Health;

(6) The accessory dwelling shall be constructed in compliance with the Virginia Uniform Statewide Building Code residential standards and shall be issued a certificate of occupancy as a dwelling prior to occupancy; and

(7) A minimum of one off-street parking space beyond what is required for the

detached single-family dwelling shall be provided.

(C) An accessory dwelling shall be created through one of the following construction methods and shall meet the following standards specific to each method as defined below. If more than one method is used to create an accessory dwelling unit, the most restrictive standard shall apply.

(1) An internal conversion within a portion of an existing single-family dwelling or existing accessory structure or the total conversion of an existing accessory structure to create an accessory dwelling.

(a) The size of the accessory dwelling shall not exceed 50% of the gross heated floor area of the existing detached single-family dwelling calculated prior to the internal conversion to create an accessory dwelling.

(b) When the conversion is within an existing detached single-family dwelling, setback and height regulations for principle structures shall apply.

(c) When the conversion is within an existing accessory structure, setback and height regulations for accessory structures shall apply.

(2) An external attachment, connection or addition to an existing single-family dwelling or existing accessory structure to create an accessory dwelling.

(a) The size of the accessory dwelling shall not exceed 50% of the gross heated floor area of the existing detached single-family dwelling calculated prior to the external attachment, connection or addition to create an accessory dwelling.

(b) When the accessory dwelling is attached, connected or added to the existing single-family dwelling, setback and height regulations for principle structures shall apply.

(c) When the accessory dwelling is attached, connected or added to the existing accessory structure, setback and height regulations for accessory structures shall apply.

(3) Construction of an accessory dwelling within, attached, connected or added to a new detached single-family dwelling included in the initial design and construction or construction of a new detached accessory dwelling.

(a) The size of the accessory dwelling shall not exceed 50% of the gross heated floor area of the detached single-family dwelling calculated excluding area which are designated to an accessory dwelling having an external entrance not shared with the area designated to the detached single-family dwelling.

(b) Setback regulations for principle structures shall apply.

(c) When the accessory dwelling is within, attached, connected or added to a new detached single-family dwelling, height regulations for principle structures shall apply.

(d) When a new detached accessory dwelling is constructed, height regulations for accessory structures shall apply.

#### **§154.112 ADDITIONAL SINGLE-FAMILY DWELLINGS ON ONE LOT.**

If the dwelling cannot be designed, located, constructed and maintained in compliance with §154-118 Accessory Dwellings, it shall not be considered an accessory dwelling, but may be considered an additional single-family dwelling on one lot if it is designed, located, constructed and maintained in compliance with the following standards:

(1) Additional single-family dwellings on one lot shall comply with the density regulations for the zoning district in which it is to be located. Each single-family dwelling unit on one lot shall be one unit used in the density calculation;

(2) Additional single-family dwellings on one lot shall be served by separate and independent infrastructure including, but not limited to, a water supply and septic system approved by the Virginia Department of Health;

(3) An additional single-family dwelling on one lot shall be located and separated from other single-family dwellings with their accessory structures a distance equal to the minimum required setbacks as if property lines existed between the additional single-family dwelling and other single-family dwellings with their accessory structures and shall be laid out in such a manner as to permit subdivision into separate lots as provided for in Chapter: 156 Subdivision; and

(4) If a property containing additional single-family dwellings seeks approval for one or more of the single-family dwellings to be subdivided from the base parcel, the applicant shall first seek approval of a preliminary subdivision plat and phasing plan for the subdivision of all single-family dwellings located on the base parcel. After the approval of a preliminary subdivision plat and phasing plan has been obtained, one or more of the single-family dwellings located on the base parcel may be subdivided individually in compliance with the approved preliminary subdivision plan and phasing plan.

#### **§ 154.113 STANDARDS FOR OUTDOOR LIGHTING.**

(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 division (H) of this section, 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. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of a fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output.

(C) **Definitions.**

(1) **CUTOFF.** A fixture that emits no more than 2.5% of its light above 90 degrees and no more than 10% above 80 degrees from horizontal. (IESNA definition)

(2) **FULL CUTOFF.** A fixture that emits 0% of its light above 90 degrees and no more than 10% above 80 degrees from horizontal. (IESNA definition)

(3) **GLARE.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

(4) **ILLUMINANCE.** The amount of luminous flux per unit area in the Imperial system and is equal to one lumen per square foot. Illuminance is measured in foot candles. The metric system uses the lux. One foot candle equals approximately 0.1 (0.093) lux.

(5) **INITIAL LUMENS.** Amount of luminous flux emitted by a lighting fixture at initial installation. Initial lumens are usually listed by the manufacturer. [Example: a 100 watt incandescent light bulb emits approximately 1,800 lumens.]

(6) **LIGHT TRESPASS.** Light falling where it is not wanted or needed, typically across property boundaries.

(7) **LUMEN.** Unit of luminous flux; used to measure the amount of light emitted by lamps.

(8) **MAINTAINED ILLUMINANCE LEVEL.** A percentage of the initial illuminance level reported as part of the photometric plan.

(9) **OUTDOOR LIGHTING FIXTURE.** The complete lighting assembly, less the support assembly. Such devices shall include, but are not limited to, lights used for:

(a) Parking lot lighting;

- (b) Roadway lighting;
- (c) Buildings and structures;
- (d) Recreational areas;
- (e) Landscape lighting;
- (f) Billboards and other signs;
- (g) Product display area lighting; and
- (h) Building overhangs and open canopies.

(10) **SEMI-CUTOFF**. A lighting fixture that emits no more than 5% of its light above 90 degrees and no more than 20% above 80 degrees from horizontal. (IESNA definition)

(11) **TOTAL INITIAL LUMENS**. Derived by summing the individual initial lumens output for all the lighting fixtures of an installation.

(12) **UPLIGHT**. Light projected above the horizontal.

(D) Outdoor lighting standards.

(1) Shielding standards.

(a) All nonexempt outdoor lighting fixtures with an initial output greater than or equal to 7,000 lumens shall be full cutoff.

(b) All nonexempt outdoor lighting fixtures with an initial output between 2,000 and 7,000 lumens shall be semi-cutoff, cutoff, or full cutoff.

(c) All outdoor lighting fixtures with initial output less than 2,000 lumens are exempt from the requirements of this section.

(d) All outdoor lighting fixtures that have semi-cutoff, cutoff, or full cutoff restrictions shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained.

(e) Beyond the cutoff requirements set forth in divisions (D)(1)(a) through (d) above, all light fixtures shall be located, aimed, or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house-side shielding to minimize light trespass on residential properties.

(2) Maximum maintained illuminance levels. No outdoor lighting shall be installed to exceed the maximum maintained illuminance levels recommended by the Illuminating

Engineering Society of North America (IESNA) for the designated activity. When no maximum level is defined by IESNA, no lighting shall be installed to exceed 175% of the minimum maintained illuminance levels as recommended by the IESNA for the designated activity unless otherwise permitted in this Code.

(3) Off-site spill. A design goal of .75 foot candle (fc) at any location on any non-residential property and .25 fc at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. However, in no case shall lighting exceed 0.5 fc above background when measured at the lot line of any adjoining property.

(4) Reduced lighting levels. Lighting levels shall be reduced to security levels within 30 minutes after the close of business or the end of the business activity.

(E) Special uses and waivers.

(1) Recreational sports facilities lighting.

(a) Shielding. Outdoor light fixtures must be full cutoff or provided with internal and/or external glare control louvers and installed so as to minimize uplight and off-site light trespass and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.

(b) Off-site spill. The installation shall also limit off-site spill (off the parcel on which the sports facility is located) to the maximum extent possible consistent with the illumination constraints of the design. A design goal of .75 foot candle (fc) at any location on any non-residential property and .25 fc at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. However, in no case shall lighting exceed 0.5 fc above background when measured at the lot line of any adjoining property.

(2) Service station canopies. Maximum maintained illuminance levels of 35 foot candles.

(3) Outdoor advertising signs.

(a) Internally illuminated signs shall have dark backgrounds with light lettering.

(b) Externally illuminated signs shall be lighted from the top down, and lighting shall be directed to minimize glare and light spill to non-sign areas.

(4) Façade lighting. Shielded and directional fixtures are required and must be installed and aimed so as to minimize glare, sky glow, and light trespass.

(5) Flag lighting. Shielded and directional fixtures are required and must be installed and aimed so as to minimize glare, sky glow, and light trespass.

(6) Waivers. Waivers may be granted if an applicant can document that meeting specific provisions of this section would result in an unsafe condition, impede normal operations, or inflict undue financial hardship. The applicant shall complete a waiver request and provide a full explanation as to what provision cannot be met, why it cannot be met, and what alternative is proposed. Waiver requests shall be submitted to the Zoning Administrator and will be decided on a case-by-case basis. Waivers will not be denied without justification and the specific reasons for denial will be provided in writing to the applicant in a timely manner.

(F) Certification. For installations over 100,000 total initial lumens, the applicant must provide a photometric lighting plan in accordance with the requirements of division (G) of this section, and the installer must certify that the lighting system design and installation conform to all applicable provisions of this section.

(G) Requirements for photometric plan.

(1) In addition to the requirements in division (F) of this section, a photometric plan may be required in accordance with one of the following at the discretion of the Zoning Administrator:

(a) As part of the submission of a plan of development, site development plan, special use application, zoning map amendment application or building permit application when outdoor lightning is regulated by this chapter; or

(b) As part of a separate submission where a plan of development, site development plan, special use application, zoning map amendment application, sign permit or building permit application are not required but the outdoor lighting is regulated by this chapter.

(2) A photometric plan shall be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, landscape architect or land surveyor and shall contain the following information:

(a) Plans indicating the location on the premises of all lighting fixtures, both proposed and already existing on the site, including a schematic layout of proposed outdoor lighting fixture locations that demonstrate adequate intensities and uniformity, and the light coverage resulting from the proposed lighting layout;

(b) Description of all lighting fixtures, both proposed and existing, which shall include but are not limited to catalog cuts and illustrations by manufacturers that describe the equipment, including, lamp types, wattages and initial lumen outputs, glare control devices, lamps, switching devices, proposed placement of all fixtures, including engineering detail of fixtures, manufacturer, model, and installation of same;

(c) Photometric data, such as that furnished by manufacturers, or similar

showing the angle cut-off light emissions and glare-control devices;

(d) Mounting heights and methods proposed hours of operation and maintenance schedule;

(e) The provision for adequate measures to mitigate nuisance from light pollution and disabling glare to both on-site and off-site uses;

(f) A site plan drawn to scale showing building(s), landscaping, parking areas and proposed exterior lighting fixtures;

(g) Location of all post, canopy, supports and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas; and

(h) Specifications of the illuminating devices, lamps, supports, and other devices, including designation as IESNA "cut-off" fixtures.

(i) This description may include but is not limited to manufacturers catalog cuts, and drawings including sections where required.

(j) Plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in foot-candles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the minimum and maximum foot-candle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the foot-candle value of all the points in the grid and dividing by the total number of points.

(3) Nine copies of the photometric plan shall be submitted to the Zoning Administrator for review and approval. When submitted in conjunction with a plan of development, site development plan, special use application, zoning map amendment application, sign permit or building permit no additional fee will be charged and the plan will be reviewed and approved as part of the other plan, permit or application. When a photometric plan is required by itself, a fee as established by the governing body will be charged. The review and approval shall be conducted following the same process as provided for a plan of development.

(4) Plan requirements. Upon written request with justification, the Zoning Administrator may modify submission requirements of division (G) (2) above if it is determined that some information is not necessary for the adequate review of the photometric plan.

(H) Exemptions. The following shall be exempt from the requirements of this section, provided that such fixtures do not cause glare:

(1) Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state, or county agencies.

(2) Holiday lighting fixtures.

(3) Motion activated light fixtures located as follows:

(a) On lots developed with private residential dwellings when such lighting fixtures emit initial lighting levels of 6,000 lumens or less, are extinguished within five minutes upon cessation of motion and are aimed such that the lamp or light bulb portion of the lighting fixture is not visible at five feet above the property boundary; or

(b) On all other lots when such lighting fixtures are aimed such that the lamp or light bulb portion of the lighting fixture is not directly visible at five feet above the property boundary.

(4) On lots developed with private residential dwellings, outdoor lighting fixtures with initial light outputs of 2,000 lumens or less. A 2,000 lumen output is the approximate light level produced with a 100-watt incandescent light bulb.

**§ 154.114 STANDARDS FOR CERTAIN AGRICULTURAL USES.**

(A) Minimum standards for agritourism activities shall be as follows:

(1) Agritourism activities associated with an agricultural operation shall be conducted upon an active agricultural operation owned or operated by the agritourism professional.

(2) Comply with Chapter 98: Noise of the NCC.

(3) Agritourism activities shall provide recreation, entertainment and education through activities that usually and customarily occur on and are directly associated with Virginia agricultural operations which includes, but are not limited to, the following activities: agricultural museum and displays, barn dances, biking trails, bird watching, micro-breweries, canning produce demonstrations, canoeing, corn mazes, cut flowers (picking, arranging, and planting), cut-your-own Christmas tree and evergreens, farm cooking contests, farm festivals, farm related “how-to” clinics, farm scavenger hunts, farm tours for children and families, farm visits (a day or a week on the farm: living, working, enjoying), fee-fishing pond (fishing, cleaning, and cooking), flower arranging workshops, haunted barns, hay wagon rides, heirloom plant and animal exhibits, herb walks, heritage trails, hiking paths (walking, identifying vegetation, determining a tree’s age, picnicking), historic reenactments (associated with farm life), jam- and jelly-making demonstrations, meeting barnyard animals (participating in educational programs focusing on each animal: shear the sheep, milk the “demonstration” cow, or participate in “cattle college”), orchards and pick-your-own (picking, sitting, picnics under the trees), oyster shucking contest, plant a garden, pony and horseback riding, pumpkin patch (picking, painting, carving, and buying), quilting/weaving exhibitions, sorghum milling, stargazing, storytelling/story swaps, straw bale maze, vegetable contests, Virginia Standards of Learning and the farm, winemaking and tasting and wineries.

(4) Parking and loading needs generated by the agritourism activities shall be met on the same lot or parcel where agritourism activities are being conducted or otherwise provided for in a manner consistent with public safety.

(5) Vehicular parking shall not be allowed on any public streets or within one hundred (100) feet of any residence, except for a residence located on the property of the agritourism activities.

(6) Traffic generated by agritourism activities shall comply with the Virginia Department of Transportation standards and regulations.

(7) Signage associated with agritourism activities shall comply with §154.190 et seq. Signs.

(8) It shall be the responsibility of the agritourism professional to maintain and post required signs specified by the Code of Virginia § 3.2-6400 et seq.

(9) It shall be the responsibility of the agritourism professional to comply with all applicable state and federal regulations which specifically include, but are not limited to the following: Code of Virginia § 4.1 – 200 et seq. of the Alcoholic Beverage Control Act, Code of Virginia § 3.2 – 5100 et seq. Food and Drink, Code of Virginia Title 58.1 Taxation and Code of Virginia.

(B) Minimum standards for the sale of agricultural products.

(1) Sale of agricultural products from a farm market or private resident shall be permitted as an integral part of an active agricultural operation owned or operated by the same person or entity conducting the sale of agricultural products.

(2) Sales of agricultural products from farm stands shall be permitted as a separate use in other zoning districts as designated in the list of permitted uses provided for each zoning district and are not required to be an integral part of an active agricultural operation owned or operated by the same person or entity conducting the retail sales of agricultural products from the farm stand.

(3) Sale of agricultural products may include the sale of value added agricultural products and agricultural-related products when sold from a farm market. Sale of agricultural products may include value added agricultural products when sold from a farm stand.

(4) Parking and loading needs generated by the sale of agricultural products shall be met on the same lot or parcel where agricultural products are being sold or otherwise provided for in a manner consistent with public safety.

(5) Vehicular parking shall not be allowed on any public streets or within one hundred (100) feet of any residence, except for a residence located on the property of the

agritourism activities.

(6) Traffic generated by the sale of agricultural products shall comply with the Virginia Department of Transportation standards and regulations.

(7) Signage associated the sale of agricultural products shall comply with §154.190 et seq. Signs.

(8) It shall be the responsibility of the owners or operators of the agricultural operation to comply with all applicable state and federal regulations which specifically include, but are not limited to the following: Code of Virginia § 4.1 – 200 et seq. of the Alcoholic Beverage Control Act, Code of Virginia § 3.2 – 5100 et seq. Food and Drink, Code of Virginia Title 58.1Taxation and Code of Virginia.

**§ 154.120 – 128 USES, DENSITIES AND DIMENSIONS**

**§ 154.125 PURPOSE AND STRUCTURE.**

(A) Purpose. It is the purpose and intent of this subchapter to establish use, density and dimensional regulations which will apply to zoning districts.

(B) Structure. The subchapter is presented as a series of tables which provide regulations for the following:

(1) Appendix A and B establishes uses permitted by right and special use permit;

(2) Appendix C, D and E establishes minimum lot sizes and dimensional requirements for residential districts;

(3) Appendix F and G defines the minimum lot sizes and dimensional requirements for commercial and industrial districts.

(C) Tables established. There are established a series of tables to be numbered and titled as set forth in division (B) above. These tables, together with other notations set forth therein or reference thereto, are made a part of this subchapter and the Zoning Ordinance of Northampton County and shall control the location of specific uses, the lot sizes, densities, yard and dimensional requirements within the zoning districts of the county.

**§ 154.126 GENERAL REGULATION FOR RESIDENTIAL DISTRICTS.**

In addition to the data included in these tables, this section provides a series of notes which supplement the regulations given in the tables.

(A) Height. The maximum height for any dwelling building shall be 40 feet, unless modified in accordance with § 154.145.

(B) Off-street parking. Off-street parking shall be provided for the permitted uses in keeping with §§ 154.205 et seq.

(C) Town houses supplemental regulations.

(1) Density. No town house project, or portion thereof, shall have an overall density greater than one dwelling unit per 2,400 square feet of gross site area. Streets, access easements used as streets, and parking areas may not be counted in meeting this 2,400 square foot minimum.

(2) Corner lots. The front of a corner lot shall be deemed to be the shortest of the two

sides fronting on streets. The side yard on the side facing the side street shall be 35 feet or more for both primary and accessory structures.

(3) Setback waived. In cases where a single-family attached dwelling is to be built in an established residential area, the minimum setback may be waived and the average setback of the residential structures on either side of the proposed dwelling site may be substituted for the front yard or setback otherwise required.

(4) Access. Each town house shall front on a dedicated public street or a 34 foot minimum width access easement. If access is to be provided by means of a private access easement, the following minimum standards of development shall be observed:

(a) Pavement width of 24 feet minimum, exclusive of parking;

(b) Concrete curb and gutter on both sides of street or easement;

(c) Sidewalks five feet in width on at least one side of the easement and where town houses front on the easement, constructed of concrete, brick, stone or some other material of reasonable durability and safety;

(d) The radius for all cul-de-sacs shall be at least 40 feet and paved to a minimum radius of 35 feet;

(e) Attached dwellings shall be separated by a wall meeting fire protection requirements as set forth in the Virginia Uniform Statewide Building Code, as amended.

(D) Single-wide manufactured homes. Single-wide manufactured homes shall be permitted as indicated in Appendix A.

(1) Applicants for a special use permit or zoning clearance to place a single-wide manufactured home shall ask all property owners within 500 feet of the proposed home site to sign a petition-of-no-opposition. When an owner of such a nearby property is not a resident of Northampton County (according to the taxpayer address supplied by the Commissioner of Revenue's office), then such owner shall be contacted by certified mail at the taxpayer address. If no objection is received within 15 business days of the mailing, then the signature of the owner shall not be required on the petition-of-no-opposition.

(2) If all property owners within 500 feet of the proposed site sign the petition-of-no-opposition, or disqualify themselves by failing to respond to a certified mail notice above, then the Zoning Administrator shall issue zoning clearance for placement of the manufactured home.

(3) If any property owner within 500 feet of the proposed site fails to sign the petition-of-no-opposition, or expresses opposition in response to the certified mail notice, then the application must follow the special use permit procedure described in § 154.042.

**§ 154.127 LOW IMPACT COMMERCIAL USES.**

In order to further the Comprehensive Plan goals of economic self-sufficiency for all citizens and preservation of rural character, certain low-impact commercial uses will not require commercial zoning if they meet the following conditions but may be handled as a by right use or as a special use in certain zoning districts as set forth in Appendix A. Care must be taken to ensure that a proposal meets the letter of these conditions so that the integrity of the principal zoning district is maintained and that the surrounding community has the opportunity to comment through the special use permit process. The following such low-impact uses are recognized.

(A) Home occupation. An occupation conducted in a dwelling unit (or dwelling accessory structure), provided that:

(1) Use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;

(2) Not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(3) There shall be no change in the outside appearance of the dwelling unit, accessory building, or premises, or any visible or audible evidence of the conduct of such home occupation. No equipment or process shall be used which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses from off the residential lot of the dwelling unit. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in live voltage off the premises;

(4) Parking needs generated by such home occupation shall be met off the street;

(5) One sign, not exceeding four square feet, nonilluminated, may be placed in accordance with §§ 154.190 et seq.;

(6) Home occupations shall be divided into two categories: Home Office and Home Business.

(a) Home Office shall be a very low impact use offered through zoning clearance and shall meet the following criteria:

1. There shall be no employees other than members of the family residing in the dwelling unit;

2. There shall be no sales other than services or products handcrafted on the premises in connection with such home occupation.

(b) Home business shall be a low impact use offered through the special use permit process and shall meet the following criteria:

1. Other than members of the family actually residing in the dwelling unit, there shall be no more than one additional employee;

2. Sales from such a home business should be primarily services or products handcrafted on the premises but may include similar products produced off site or sale of other products supportive of and secondary to the principal product or service of the Home Business.

(7) All home occupation permits shall be issued to the applicant and shall not run with the land. All such permits shall be null and void when the person who applied for the permit ceases to operate the use permitted.

(B) Rural business. Rural business shall be any one of the specifically named types of business listed in subsection (2) below which conform to the following criteria. The Rural Business designation shall be offered by special use permit only in several zoning districts as set forth in Appendix A. A Rural Business differs from a Home Occupation in that no residence is required on the site and there is no restriction on number of employees.

(1) Criteria. All rural businesses shall meet all of the following criteria in order to be added to the specific list of such businesses in subsection (2) below. A business may be added to that list through the zoning ordinance text amendment process set forth in § 154.043 if it conforms to these criteria.

(a) Rural character. The business shall be of low impact on the surrounding community and shall be consistent with the character of the district in which it is located.

(b) Existing building used. The business shall make use of a building existing at the time of adoption of this chapter as verified by the Zoning Administrator. Such a building may be renovated as long as its exterior appearance is not substantially changed. The existing building must be the principal structure used by the business; however, additions to that building are permitted up to 25% of the existing square footage conditioned upon the exterior appearance of such addition being consistent with that of the existing building.

(c) Impervious surfaces. No new impervious surfaces, including accessory structures, building additions, or driveways, may be created that would result in a construction footprint (including the existing building) greater than 60% of the site.

(d) Water usage limited. No business which requires a Virginia Department of Environmental Quality water withdrawal permit shall qualify as a Rural Business.

(e) Sewage disposal. No business which creates industrial waste water shall qualify as a Rural Business. Sanitary sewage must be able to be handled by a septic system approved for the site by the Northampton County Health Department.

(f) Signage. Signs on site shall be limited to those available for home occupations and must be proposed as part of the special use permit process.

(g) Illumination. There shall be no external illumination of a Rural Business that is not consistent with the original use of the existing building in which it is housed. Desired illumination must be proposed as part of the special use permit process.

(h) Outside storage. Outside storage must be completely screened from off-site view by appropriate fencing or vegetation. Subsequent loss of such screening shall be cause for issuance of a cease and desist order by the Zoning Administrator.

(2) Qualifying Rural Businesses. Qualifying Rural Businesses shall be limited to the following specific businesses:

(a) Inns;

(b) Antique shops;

(c) Restaurants with 50 or fewer seats;

(d) Handcraft shops producing and selling principally products made on-site;

(e) Artist studios and galleries selling principally art work produced on-site;

(f) Furniture production and refinishing by hand and the sale of furniture pieces produced on-site.

**§ 154.128 USE CATEGORIES.**

(A) The potential uses of land, buildings, structures, and tidal areas within Northampton County are arranged into the following categories to be referred to as "use categories" with the specific names given below. Division into these "use categories" is for convenience and ease of reference. A single use may appear in more than one category if such repetition facilitates easy use of Appendix A.

Category #	Category Name
1	Agricultural Uses
2	Commercial Uses
3	Community Service Uses
4	Industrial Uses
5	Marine Related Uses
6	Recreational Uses
7	Residential Uses
8	Miscellaneous

(B) Letter codes for table. Appendix A identifies each use category, specific uses and the zoning districts in which each use may be located as a matter of right (R), by special use permit (S), or zoning clearance (Z), and when a wetlands permit (W) is required. A use which does not appear in Appendix A is not permitted in Northampton County.

(C) Commercial uses (Category 2). Shall refer to a wide range of business uses characterized by substantial customer traffic, including wholesale, retail service and motor-vehicle-related uses.

(D) Community service uses (Category 3). Shall refer to a range of uses, including education, utilities, transportation, healthcare and religious uses.

(E) Definitions. For the purposes of this subchapter, the following definitions shall apply.

**COMMERCIAL.** A use that is principally offered by its owner to others for a fee.

**PRIVATE.** A use that is principally for the benefit of its owner, whether for his profit or not.

**PUBLIC.** A use owned by a government entity, or by an agency approved by the Board of Supervisors of Northampton County to operate the use for the benefit of three or more dwellings or structures or the benefit of the general population of Northampton County.

**§ 154.140 – 147 MODIFICATIONS OF DISTRICT REGULATIONS**

**§ 154.140 PURPOSE.**

The requirements set forth in this subchapter modify, extend, supplement or qualify the district regulations which appear elsewhere in this chapter and shall apply in the specific areas enumerated, notwithstanding other regulations set forth.

**§ 154.141 YARD REGULATIONS.**

(A) Yards to be open. When yards are required in a district, every part of a required yard shall be unobstructed by a building, structure or use except that:

(1) Off-street parking spaces are permitted in a front, side or rear yard, provided that no parking space shall create a visual obstruction or hindrance to traffic on any abutting street;

(2) Accessory buildings are permitted in a rear or side yard within six feet of a property line;

(3) Architectural features such as cornices, eaves, fire escapes, stairs, landings, bay windows, chimneys, but not walls or porches, may protrude into any required yard a distance not to exceed one-fifth of the required yard or six feet, whichever is the lesser distance.

(B) Uncovered porches and other projections into yards. Terraces, uncovered porches, platforms and ornamental features which are no higher than three feet above the floor level of the ground (first) story may project up to six feet into a required side or rear yard, except a Chesapeake/Atlantic Preservation Area buffer, provided that these projections are not within six feet of the adjacent side lot lines.

(C) Open fire escapes, balconies, chimneys. Open lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the required rear yard not more than five feet are permitted.

(D) Multiple buildings on lot.

(1) Multiple buildings used for commercial or industrial purposes. Where a lot is used for a commercial or industrial purpose, more than one main building may be located upon the lot but only when each separate building is provided with open space equivalent to the yard requirements of the district in which the lot is located.

(2) Multiple buildings used for multi-family dwelling purposes. Where a lot is to be used for multi-family residential or institutional purposes, there may be more than one main

building on the lot. In such cases, there shall be provided between buildings that are parallel, or within 45 degrees of being parallel, a minimum of 20 feet for one-story buildings, 30 feet for two-story buildings and 40 feet for three-story buildings. No dimension between any two buildings shall be less than 15 feet. When such buildings are of varying height, the buildings with the greater height shall be used for application of height regulations.

**§ 154.142 FRONT YARD REGULATIONS.**

The front yard regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows.

(A) Redefinition of front yards in partially built-up block. The following applies to those lots of record at the date of adoption of this chapter in which a front building setback line has neither been established on the subdivision plat nor by a previous determination of the Zoning Administrator:

(1) Where 40% or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater in depth than the front yard herein required, new buildings shall observe the front yard so established by existing buildings;

(2) Where 40% or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard, the average setback of the existing buildings shall be taken in lieu of the front yard otherwise required, but provided that no residential or nonresidential building shall be located on a lot so that the rear line of the new building is located closer to the street than the front line of an existing residential building on an adjacent lot;

(3) After lots comprising 50% of the frontage of a block are developed and the average setback of the existing buildings has been determined, the average shall not be altered or changed by reason of the erection of new buildings in that block.

(B) Projections into front yards.

(1) An uncovered and unenclosed porch or paved terrace may project into the required front yard for a distance not exceeding ten feet.

(2) An enclosed vestibule containing not more than 40 square feet may project into the required front yard for a distance not exceeding four feet.

(3) Awnings may project into the required front yard for a distance not exceeding three feet.

(C) Corner lots. The required front yard on a corner lot shall be observed on the frontage having the lesser dimension; the other frontage shall be considered a side yard (see separate rule

for side yards).

(D) Double frontage lots. In case a lot extends through a block from street to street and where a front yard is required from such streets, front yards shall be provided along each street frontage.

(E) Signs and poles. When permitted in a district, signs or poles, except "advertising signs," may be erected in a required front yard.

(F) Motor fuel pump islands. Motor fuel pumps and pump islands, including accompanying unenclosed canopies, may be located within a front yard in a district that permits motor fuel service stations; provided they are located not less than 25 feet from the street right-of-way line; and provided further, that in no district shall these accessory uses be located less than 50 feet from the boundary line of any dwelling district.

### **§ 154.143 SIDE YARD REGULATIONS.**

The side yard regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows.

(A) Existing residential subdivisions. Residential subdivisions with plat of record dated before December 28, 2000, may be allowed to develop using a side yard of 25 feet in the Agricultural District and 15 feet in the residential districts.

(B) Corner lots. On corner lots where the street abutting the side yard line is a Class III, IV, V, or VI road as defined in §§ 154.100 et seq.:

(1) The side yard regulations, together with any modification thereof of the district in which the lot is located, shall apply to the two-thirds of the lot which is nearest to the street which the main building faces or is intended to face;

(2) The following regulations shall apply to the rear one-third of the lot:

(a) Any building or structure or part thereof must be set back in conformity with the front yard requirements of the district in which the lot is located;

(b) On the rear portion of a corner lot of record which is less than 60 feet in width no building or structure or part thereof shall be required to be set back more than 20% of the lot width.

(C) Side yards to duplexes and town houses and the like. For the purpose of the side yard regulations, a two-family dwelling, town house cluster or a multiple-dwelling building shall be considered as one building occupying one lot.

(D) Dwelling above commercial. Unless otherwise provided for in this chapter by a specific

regulation, where dwellings are permitted to be erected above an existing predominantly commercial establishment, the required side yard shall be the same as required for the commercial buildings.

(E) Commercial uses in predominantly residential building. Unless otherwise provided for in this chapter by a specific regulation and where commercial uses are erected in the same building, the side yard requirements for dwellings in the district in which the use is located shall apply to both residential and commercial uses.

#### **§ 154.144 REAR YARD REGULATIONS.**

The rear yard regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows.

(A) Lots abutting an alley. Where the rear line of a lot abuts an alley, up to one-half of the width of such alley may be counted toward the required rear yard, but in no case shall the rear yard be reduced to less than five feet.

(B) Accessory buildings in rear yard. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than 30% of a rear yard and shall not be nearer than six feet to any side or rear lot line.

#### **§ 154.145 HEIGHT AND BULK REGULATIONS.**

The height and bulk regulations shall be adjusted in applicable cases in conformity with the modifications set forth as follows.

(A) Public/quasi-public building height. Public, quasi-public or public service buildings such as hospitals, institutions, schools, and similar uses, when permitted in a district, may be erected to any height, provided the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

(B) Chimneys, steeples, towers, and the like. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, grain elevators or necessary mechanical appurtenances may be erected to a height not exceeding 100 feet.

(C) Water towers. Water towers may be erected to a height not exceeding 150 feet. When a special use permit is granted by the Board of Supervisors, a water tower may be designated a specific height exceeding a height of 150 feet.

(D) Farm building height. Farm buildings that are not dwellings, when permitted in a district, may be erected to a maximum height of 60 feet provided the building is set back from each yard

line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

(E) Enclosed mechanical and manufacturing equipment. Parapet and fire walls, monitors and roof structures for stairways, elevators, tanks, ventilating fans or similar equipment which are necessary for the mechanical operation of a building or enclosed manufacturing process may exceed the height requirements in which the building is located provided that all such structures above the height limit otherwise permitted in the district do not occupy more than 25% of the roof area of the building or structures.

(F) Communication and broadcasting towers. Radio, T.V., electrical transmission towers, microwave towers, television antennas, radio aerials and similar structures, up to a height of 199 feet.

(G) Churches, etc. Church spires, church steeples, church belfries, church cupolas, monuments, flagpoles, may be erected to a height of 150 feet.

(H) Modification and general regulations applicable to residential districts. The maximum height for any dwelling building shall be 40 feet, except that additional building height may be permitted where the building is set back from a side or rear property line two additional feet horizontally for each one foot of additional height over 40 feet, up to a maximum of 60 feet.

#### **§ 154.146 ADJUSTMENTS FOR ACCESSORY BUILDINGS AND FENCES.**

(A) Accessory buildings. Accessory buildings may be constructed in a front yard as provided in Section 154.064 or rear or side yard in conformity with regulations for accessory buildings in the district in which such use is located and the following regulations.

(1) Percent of yard covered. Not more than 30% of a required rear yard shall be occupied by an accessory building.

(2) When accessory building is part of main building. Accessory buildings located closer than ten feet to a main building shall be construed to be a part of the main building for the purposes of yard regulations and such buildings, whether connected to the main building or not, shall observe all front, side and rear yard regulations applicable to main buildings.

(3) Use of accessory buildings. No accessory building shall be used for dwelling purposes other than as provided in Appendix A.

(B) Tents. Tents or tent-like structures shall not be erected as main buildings on any lot or tract in any district, temporarily or permanently, unless specifically provided for in the district regulations.

(C) Walls, fences and obstructions.

(1) Walls and fences in yards, generally. Yard requirements shall not apply to any retaining wall or other walls or fences which are erected in conformity with other applicable county ordinances.

(2) Corner lots, residential districts. On a corner lot in a residential district, no planting, wall, fence or other obstruction to motorist's vision shall be planted, erected or maintained higher than three feet above the adjoining street curb grade within a triangle comprised of two 20 foot right-of-way legs measured from the point of intersection of the rights-of-way of the two intersecting street lines.

(3) Corner lots, nonresidential districts. On a corner lot in any commercial or industrial district which requires a front yard, no planting, wall, fence, sign or display or any other obstruction to motorist's vision shall be planted, erected or maintained higher than three feet above the adjoining street curb grade within a triangle comprised of two 10 foot right-of-way legs.

**§ 154.147 PERMITTED LOT FRONTAGE ADJUSTMENT.**

The minimum lot frontage of a lot shall be not less than the lot width at the building line; except, that where lot lines are established radially from a curved street so as to increase the width of the lot with the distance from the street line, the frontage of such lots thus created may be reduced to not less than 70% of the lot width at the building line; provided further, that the frontage of any lot located on the turnaround of a cul-de-sac (dead-end street) may be reduced to not less than 50% of the lot width.

## **§ 154.160 -165 OVERLAY DISTRICTS**

### **§ 154.160 DISTRICTS ESTABLISHED.**

This subchapter contains special overlay districts which supplement all other regulations of this chapter. Overlay districts established herein include: Historic Preservation District (HP); Chesapeake/Atlantic Preservation District (CAP); Highway Corridor District (HC); and Airport Protection District (AP).

### **§ 154.161 HISTORIC PRESERVATION DISTRICT (HP).**

(A) Purpose and intent. As authorized by VA Code § 15.2-2283(v), the purpose of this Historic Preservation Overlay District is to promote appreciation for and protection of the character and heritage of the villages, towns and countryside of Northampton County by preserving and enhancing historic districts, buildings, structures, places and areas (historic properties) that have special historical, cultural, architectural or archeological significance, consistent with VA Code § 15.2-2306. Specifically, this section is designed to:

(1) Preserve and improve the quality of life for residents of Northampton County and the environmental quality of neighborhoods by protecting familiar and treasured historic properties;

(2) Educate residents and visitors about Northampton County's cultural and historic heritage and foster a sense of pride in this heritage;

(3) Strengthen Northampton County's economic base and promote tourism by protecting historic properties that enhance the quality of Northampton County's villages, towns and countryside and that are attractive and interesting to visitors;

(4) Stabilize and raise property value by providing incentives for upkeep and rehabilitation of property;

(5) Recognize that the destruction or alteration of historic properties or encroachment upon them may cause the permanent loss of resources that are of great value to the people of Northampton County;

(6) Provide incentives and controls to encourage preservation of Northampton County's historic heritage and to ensure that losses are avoided when possible;

(7) Encourage uses that will lead to the continuance and improvement of historic properties in a manner appropriate to the historic heritage of Northampton County.

(B) Historic Preservation Districts. Historic Preservation Districts are created and shall be referred to herein as HP Districts. Such HP Districts may be created in the manner described in this section when the Board of Supervisors determines that a site is of architectural or historic significance to the county and should be perpetuated for the general welfare of the county.

(1) The HP District may be applied in the following situations:

(a) Building or structures officially designated by the Virginia Board of Historic Resources;

(b) Buildings or structures within the county having an important historic, architectural, archeological or cultural interest and recommended by the county's Historic Review Board as being worthy of HP designation;

(c) Historic areas within the county as defined by VA Code § 15.2-2201 and recommended by the county's Review Board as being worthy of HP designation.

(2) Any area in which a structure or group of structures having an important historical, architectural or cultural interest is located may be designated a HP District if it meets one or more of the following criteria:

(a) Is associated with persons, events, activities or institutions significant to the nation, to Virginia, or to Northampton County;

(b) Contains buildings whose exterior design or features embody the distinctive design characteristics of one or more historic eras, styles, materials, or construction methods, or exemplify the work of a master;

(c) Reflects the cultural, political, economic, social, architectural or historical heritage of the towns and villages of Northampton County;

(d) Contains qualities that significantly contribute to present-day knowledge and understanding of lifestyles, activities, events or experiences of a previous era;

(e) Is likely to yield information to history or prehistory.

(3) Regulations within the HP District are intended to:

(a) Protect against destruction of or encroachment upon such historic landmarks and to encourage their use in such a way as to promote their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural or archaeological heritage of the county;

(b) Prevent creation of environmental influences adverse to such purposes;

(c) Assure that new buildings, structures and uses within an HP District will

be in keeping with the character to be preserved and enhanced.

(4) Identifying HP Districts:

(a) Potential HP Districts may be identified by the Review Board, by individual citizens, by community groups, by the Northampton County Planning Commission or the Northampton County Board of Supervisors or by the Board of Historic Resources. The Review Board may encourage local groups of Northampton County citizens to identify their own villages, towns or neighborhoods as HP Districts, where appropriate;

(b) Once a potential HP District is identified, application forms and directions for their completion may be obtained from the Review Board. Applications must include the location and boundaries of the proposed district, a description of the District, a statement of significance, a list of properties within the district and the owner of each, and other information required by the Board. Maps and photographs should be included that define the boundaries and illustrate the significance of the proposed district;

(c) A completed application for the creation of a HP District will be submitted to the Review Board for review. The Historic Review Board will review the application with VDHR;

(d) A public meeting will be held to review and evaluate each HP District application. Notice of the public meeting will be posted within the proposed HP District at least ten days prior to the meeting. No more than one posted notice of a public meeting on a proposed HP District shall be required, even if multiple properties are included in the application. A HP will not be designated if the owners of record of at least 25% of the parcels within a proposed HP District file a written objection with the Board of Supervisors within ten days of the public meeting. After the conclusion of the public meeting and public comment period, the Review Board will report its recommendation and submit the application to the Northampton County Board of Supervisors, in keeping with the process of review established under VA Code § 15.2-2204, as amended.

(5) Boundary delineation:

(a) The boundaries of a HP District will be drawn to include all lands closely related to and bearing on the character of the historic area. The boundaries will be sufficiently large to provide a landscape unit and afford transitional area needed to control potentially adverse environmental influences. Such boundaries may include both sides of a street where desirable to accomplish the preservation objective;

(b) The boundaries of an HP District designating a historic landmark shall be delineated on the Official Zoning Map.

(6) Amending the HP District boundaries and regulations:

(a) Amendments to the provisions of this section, as well as to any HP District boundary, including the delineation of any new HP District, shall be in accordance with procedures in this section;

(b) The Historic Review Board may propose to the Planning Commission and/or the Board of Supervisors such amendments as deemed appropriate, including the establishment of HP Districts and revisions to existing HP District boundaries. Upon receipt of such proposal, the Board of Supervisors or the Planning Commission may initiate such amendment;

(c) The Planning Commission, in cooperation with the Historic Review Board, shall prepare and submit a report to substantiate the proposed amendment. Such report shall propose HP District boundaries as well as document the historic and/or architectural significance of the building, structures or sites to be protected;

(d) The Planning Commission's report may include recommended detailed regulations to be applied within the District and to supplement or modify general regulations set forth herein. Such detailed regulations may include permitted and prohibited principal and accessory uses and structures, minimum lot and yard requirements, maximum lot coverage by all buildings, maximum height of structures, off-street parking and loading requirements, control of signs and exterior illumination, control of exterior character of buildings and sites when visible from a public way only, and control of additions to or removal of existing buildings where such controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with the historic landmark to be preserved.

(7) It is further the intent of this section that in the identification of historic landmarks, in delineating any HP District on the Zoning District Map, and in the administration of this section, the Board of Supervisors and the Planning Commission shall seek and obtain the advice and assistance of the Virginia Historic Landmarks Commission and the Historic Review Board, which is created herein, and other organizations or individuals qualified by interest, training and experience in achieving the objectives set forth.

(C) Action by Board of Supervisors. If the Board of Supervisors approves the creation of an HP District, its action shall give significant consideration to statements from the Virginia Historic Landmarks Commission that the landmark to be preserved is, in fact, of historical and/or architectural significance requiring protection against destruction and encroachment. The Board's action shall also give significant consideration to the recommendations of the Historic Review Board and Planning Commission to supplement or modify general regulations set forth herein.

(D) Historic Review Board, generally.

(1) Creation. A Historic Review Board (the Board) is created to administer this overlay district. The Board is created under authority of VA Code § 15.2-2306, as amended, for the general purposes of this section and specifically for advising and assisting the Board of

Supervisors in its efforts to preserve and protect historic places and areas in the county through the control of the demolition of such places through the regulation of architectural design of structures in such areas. The Historic Review Board shall consist of seven members to be appointed by the Board of Supervisors.

(2) Membership. The members shall:

(a) Be residents of Northampton County;

(b) Have a demonstrated interest in and knowledge of the historic character of Northampton County;

(c) If possible, at least two members should meet the Secretary of the Interior's Professional Qualifications Standards for history, archeology, architectural history, architecture or historic architecture;

(d) At least one member shall be appointed from the Planning Commission upon recommendation to the Board by the Planning Commission;

(e) If possible, one member shall be a licensed real estate broker, one shall be a licensed architect, and one shall be a practicing attorney with membership in the Virginia Bar;

(f) Two shall be citizens-at-large.

(3) Administration.

(a) Members shall be appointed for a term of four years. Initial appointments shall be three members for four years and three members for two years. The term of the Planning Commission member shall be concurrent with his appointment to the Planning Commission.

(b) The Historic Review Board shall elect from its own membership a Chairperson, a Vice-Chairperson and a Secretary, who shall serve annual terms and may succeed themselves.

(c) The Historic Review Board shall meet as needed, but not less than twice a year. Special meetings of the Historic Review Board may be called by the Chairperson or by two members upon written request to the Secretary. The Secretary shall mail to all members of the Historic Review Board, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Historic Review Board. The Historic Review Board may make, alter or rescind rules and forms for its

procedures consistent with the ordinances of the county and the general laws of the state.

(4) Responsibilities and powers. The Historic Review Board shall give counsel to the Board of Supervisors regarding the advisability of issuing a permit for construction, reconstruction, exterior alteration, razing or relocation within the historic district. Historic Review Board members are required to exempt themselves from voting on any action in which their financial interests or those of their immediate family are directly involved. In addition to the aforementioned duties and powers, the Historic Review Board shall have the following duties:

(a) To assist and advise the Board of Supervisors, the Planning Commission, and other county departments and agencies in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities and signs;

(b) To advise owners of historic landmarks, buildings or structures on problems of preservation;

(c) To propose from time to time, as deemed appropriate, the establishment of historic districts and revision of the existing historic districts;

(d) To identify, develop, and implement positive incentives to encourage maintenance, rehabilitation and reuse of historic properties that recognizes and perpetuates their historic significance;

(e) To develop mechanisms for identifying historically significant surplus publicly-owned structures and creating incentives for adaptive reuse that will return them to positive use;

(f) To sponsor and encourage public information activities to publicize historic preservation efforts, disseminate information on historic preservation benefits, issues and concerns. Activities may include, for example, open houses, walking tours, speeches, brochures, public meetings, press releases, and films;

(g) To conduct or cause to be conducted a continuing survey of historic properties in Northampton County according to guidelines established by Virginia Department of Historic Resources;

(h) To maintain and develop inventories of historic properties in Northampton County;

(i) To advise Northampton County residents about measures that they may take to preserve the historic character of their structures, districts, towns and villages;

(j) To act in an advisory role to other officials and departments of Northampton County government regarding protection and enhancement of historic properties, including providing advice and recommendations to the Planning Commission on particular projects and developments;

(k) To review all proposed National Register nominations for properties within the boundaries of Northampton County. If the review of a nomination normally would involve a professional discipline not represented on the Board, the Board must seek appropriate advice before rendering its decision;

(l) To review projects and developments that may change the historic character of a HP District and report findings to the Planning Commission;

(m) To issue certificates of appropriateness and formulate necessary administrative procedures and requirements for such certificates;

(n) To develop specific guidelines for each HP District that delineate specific criteria for the approval of certificates of appropriateness;

(o) To prepare an annual report to the Planning Commission on its activities, recommendations for future historic preservation priorities, concerns and actions, and the status of historic preservation within Northampton County;

(p) To formulate recommendations concerning the establishment of a system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers;

(q) To coordinate local historic preservation efforts, cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, the Sustainable Development Committee, the Commission, and other interested parties both public and private in its efforts to preserve, restore and conserve historic and/or aesthetic landmarks, buildings, sites or areas in the county; and

(r) To employ secretarial assistance and pay salaries, wages and other incurred necessary expenses, pursuant to appropriations by the Board of Supervisors.

(5) Reaching decisions. In reaching its decisions, the Historic Review Board shall consider:

(a) Historic significance;

(b) Architectural significance and appearance;

(c) Value and use of structures;

(d) Effect on surrounding property;

(e) Inordinate hardship;

(f) Effect on the tourist industry.

(6) Training.

(a) Each Board Member shall attend at least one informational or educational meeting per year pertaining to work and functions of the Board relevant to historic preservation. The training must be approved in advance by the Virginia Department of Historic Resources. The Virginia Department of Historic Resources may waive this requirement in exceptional circumstances in the case of any individual member, so long as a majority of members receive such training in any year.

(b) The Virginia Department of Historic Resources will make orientation materials and training available to the Board. The materials provided by the Virginia Department of Historic Resources will be designed to provide a working knowledge of the roles and operations of federal, Virginia, and local preservation programs.

(E) Criteria for evaluation of projects in HP Districts. Projects will be favorably evaluated when:

(1) The proposed action conforms to the criteria set forth by the Secretary of the Interior's Standards for the Treatment of Historic Properties (1992);

(2) The applicant's proposals are architecturally compatible with the motif and character of the HP District;

(3) The project is in keeping with the overall character, visual fabric, rhythm, and continuity of the HP District;

(4) The height, proportion, openings, spacing, roofs, walls, fences, landscaping, and scale of the proposed work are visually compatible with the HP District;

(5) The materials, textures and colors planned for use are compatible with the character of the HP District.

(F) Permitted uses, construction, demolition, lots and heights. Within a HP District, the following regulations shall apply.

(1) New construction, reconstruction and exterior alterations. No building or structure, including signs, shall be erected, reconstructed, substantially altered or restored within the historic district unless the same is approved by the Board of Supervisors acting upon the advice of the Historic Review Board as being compatible with the historical and architectural aspects of the landmarks.

(2) Demolition, exterior alteration. No officially designated historic landmark, building or structure within the district shall be razed, demolished, removed or altered in exterior architectural features or appearance, including the placement of signs, until a certificate of approval is issued by the Board of Supervisors, acting upon the advice of the Historic Review

Board.

(3) Moving or relocation. No officially designated historic landmark, building or structure within an HP District shall be moved or relocated where such moving is detrimental to the public interest or where such relocation would be obviously incongruous to the historical aspects of the structure and/or the historic district unless the same is approved by the Board of Supervisors, acting upon the advice of the Historic Review Board.

(4) Uses permitted. Within the District, all uses shall be permitted pursuant to the Official Zoning Map. General regulations shall be the same as provided for within the respective zoning districts in this division.

(5) Lot regulations. Lots or portions of lots existing in historic districts may be combined, but no existing lot, or combination of lots, parcels, or portions thereof, in single ownership at the time of district creation shall be reduced in width, depth or area without the approval of the Board of Supervisors.

(6) Height regulations. Height regulations shall be in accord with those governing the permitted use except where such heights would be obviously incongruous to the historic landmark.

(G) Off-street parking. Off-street parking regulations shall be in accord with those governing the permitted use, except that no required off-street parking or loading space shall be located in any required front yard. It is the intent of this regulation to permit off-site parking where on-site parking would have an adverse effect on appearance, by the provision of such off-site parking in grouped facilities in interior parking lots, courts or at other appropriate locations which will be convenient for users, reduce interference with pedestrian and vehicular traffic, and generally promote public safety.

(H) Exterior illumination signs. All regulations pursuant to §§ 154.190 et seq. applicable to the permitted use shall be adhered to; henceforth, no sign shall be permitted except for advertising to or informing the public of service, business, occupation or profession conducted on, in or about the premises. In addition, no sign allowed by §§ 154.190 et seq. shall be permitted if the Board of Supervisors, acting upon the advice of the Historic Review Board, finds such sign to be architecturally incompatible with the historical and/or architectural character of the landmark.

(I) Permits; action by Zoning Administrator and Building Official. The Building Official shall not issue a permit for any erection, reconstruction, exterior alteration, restoration, demolition or razing of a building or structure in a HP District until the same has been approved by the Board of Supervisors following the procedures set forth hereafter. Upon receipt of an application for a permit in the Historic District, the Building Official shall act in accordance with the following procedures.

(1) He shall forward to the Historic Review Board a copy of the application for such a permit, together with a copy of the site plan, building plans and specifications filed by the applicant.

(2) He shall maintain in his office a record of all such applications and of his handling and final disposition of the same.

(3) He shall require applicants to submit a sufficient number of additional copies of material required to permit compliance with the foregoing.

(J) Material to be submitted for review. The Zoning Administrator and the Historic Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors and relationships to adjoining structures), and such other exhibits and reports as are necessary for their determinations.

(K) Report of the Historic Review Board.

(1) If the Historic Review Board, on the basis of the review of information received from the applicant, decides to counsel against the granting of a permit, it shall indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Historic Review Board would protect and/or preserve the historical aspects of the landmark, building, structure or district. If the applicant determines that he will make the suggested changes, he shall so advise the Historic Review Board, which shall counsel the Board of Supervisors accordingly.

(2) The Historic Review Board shall submit to the Board of Supervisors in writing and within 60 days after receipt of the application its counsel concerning the appropriateness of authorizing a permit for the erection, reconstruction, exterior alteration, restoration, razing or demolition, or relocation of all or a part of any building or other structures within the historic district.

(L) Action of Board of Supervisors concerning applications.

(1) Upon receipt of the written counsel from the Historic Review Board, the Board of Supervisors shall consider the question of authorizing the Zoning Administrator to grant or deny a permit for the action specified in the application. The applicant shall be notified by the Zoning Administrator of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard as to his reasons for filing the same. In determining whether to authorize a permit for the proposed erection, reconstruction, alteration, restoration, razing or demolition, or moving or relocation, the Board of Supervisors shall consider those factors presented in the report of the Historic Review Board and shall be guided by the general standard of "architectural compatibility."

(2) If the Board of Supervisors approves the application, it shall authorize the appropriate county official to issue a permit for the work so specified in such application. If the Board of Supervisors disapproves, it shall do so in writing and copies shall be given to the applicant and the Zoning Administrator. The disapproval shall indicate what changes in the plans

and specifications would meet the conditions for protection and preserving the historical character of the district and the reasons therefore.

(3) In the case of disapproval, the application shall not be resubmitted for consideration until 12 months have elapsed from the date of disapproval unless the indicated changes in plans and specifications required to meet the conditions for protecting the district have been incorporated in the reapplication.

(4) Upon receipt of the Board of Supervisors written disapproval, the Zoning Administrator shall disapprove the application for the required permit and so advise the applicant. The applicant may appeal the disapproval as provided by law and herein below.

(5) The Zoning Administrator shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this subchapter in the same manner as in his/her enforcement of the other sections of this chapter as presently enacted and as the same may be amended.

(M) Appeals.

(1) Any person or persons jointly or severally aggrieved by any decision of the Board of Supervisors, or any citizen may appeal such decision to the appropriate court for review by filing a petition at law setting forth the alleged illegality of the action of the Board of Supervisors, provided that such petition is filed within 30 days after the final decision is rendered by the Board of Supervisors. The filing of such petition shall stay the decision of the Board of Supervisors if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the Board of Supervisors, in whole or in part, if it finds upon review that the decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Board of Supervisors.

(2) In addition to the right of appeal herein set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of this section shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure, provided that:

(a) The owner has applied to the Board of Supervisors for such rights;

(b) The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value made a bona fide offer to sell landmark, building or structure, and the land pertaining thereto, to any purchaser who gives reasonable assurance that the owner is willing to preserve and restore the landmark, building or structure and the land pertaining thereto;

(c) No bona fide contract shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained; and

(d) The offer to sell and any offers to buy shall be publicly advertised.

(3) Any appeal which may be taken to the court from the decision of the Board of Supervisors shall not affect the right of the owner to make the bona fide offer to sell as referred to above. No offer to sell shall be made more than one year after a final decision by the Board of Supervisors, but thereafter the owner may renew his request to the Board of Supervisors to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows:

(a) Three months when the offering price is less than \$25,000;

(b) Four months when the offering price is \$25,000 or more but less than \$40,000;

(c) Five months when the offering price is \$40,000 or more but less than \$55,000;

(d) Six months when the offering price is \$55,000 or more but less than \$75,000;

(e) Seven months when the offering price is \$75,000 or more but less than \$90,000; and

(f) 12 months when the offering price is \$90,000 or more.

(N) Incentives.

(1) The Historic Review Board will identify information regarding incentives to encourage individual property owners, citizen groups and communities to carry out historic preservation and restoration that meets the Secretary of the Interior's Standards and Guidelines for Historic Preservation (appropriate renovation or restoration).

(2) The Historic Review Board will include a section on incentives in their annual report and present their recommendations to the Board of Supervisors for implementation.

(O) Public buildings.

(1) Wherever possible, historic buildings and structures will be used for public purposes.

(2) When no public building is possible, adaptive reuse by the private sector will be encouraged. The Historic Review Board will assist the Board of Supervisors in:

(a) Identifying surplus public historic properties that are available for re-use;

(b) Developing mechanisms, pricing and financing strategies to expedite the

sale of historic public buildings for private or commercial purposes;

(c) Developing and recommend to the Board of Supervisors historic property tax classifications that establish lower tax rates for historic properties that are appropriately maintained;

(d) Providing community recognition of outstanding renovation or restoration of public buildings, including, for example, awards for various classes of properties or recognition as a component of the proposed historic trail;

(e) Providing advice and guidance in dealing with environmental hazards (such as underground storage tanks, asbestos, and lead-based paint) associated with historic properties;

(f) Recommending to the Board of Supervisors on economic incentives available to businesses that locate in historic properties and maintain, renovate or restore them appropriately, including information about existing federal tax incentive programs for historic properties;

(g) Providing advice and guidance for potential adaptive uses.

#### **§ 154.163 AIRPORT PROTECTION DISTRICT (AP).**

(A) Creation and Application of the District. The Airport Protection (AP) District is created as an overlay district to be superimposed on other zoning districts, pursuant to VA Code § 15.2-2294. The provisions of the AP District are in addition to the provisions of other zoning districts.

(B) Intent. It is the intent of the AP District to protect the safety of air navigation and the public investment in air navigation facilities by preventing the development of activities in the vicinity of airports which could be hazardous to air navigation.

(C) AP District defined. The Airport Protection District (AP) shall be areas on the ground lying beneath the airport approach surfaces, airport horizontal surfaces and airport transitional surfaces and airport horizon.

(D) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIRPORT APPROACH SURFACE.** The airport approach surface is an imaginary surface existing at both ends of a runway. The surface shall begin at the end of the runway with a width of 250 feet and extend outward for a distance of 5,000 feet to a width of 1,250 feet. The centerline of the surface shall slope upward from the edge of the runway one foot vertically for each 20 feet of distance horizontally.

**AIRPORT ELEVATION.** The highest elevation of the airport runway which for zoning

purposes shall be considered the elevation of every point on the runway.

**AIRPORT RUNWAY.** For all runways, the width for zoning purposes shall be at least: (1) 250 feet, centered on the runway centerline for runways limited to use by propeller driven aircraft of 12,500 pounds maximum gross weight and less; and (2) 500 feet, centered on the runway centerline for all other runways.

**AIRPORT HORIZONTAL SURFACE.** The airport horizontal surface is an imaginary horizontal surface bounded by a radius of 5,000 feet measured from all points on the runway centerline between the ends of the runways. The airport horizontal surface is at a height of 150 feet above the airport elevation.

**AIRPORT TRANSITIONAL SURFACES.** The airport transitional surfaces are imaginary surfaces on each side of the runway. They slope upward and outward seven feet horizontally for each foot vertically beginning at the sides of the runway width and at the same elevation as the runway and the approach surfaces and extending to a height of 150 feet above the airport elevation.

(E) Uses and structures prohibited in the AP District.

(1) No use shall be conducted within the AP District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots, impair visibility, or in any way create a hazard or endanger the landing, take off or maneuvering of aircraft intending to use the airport.

(2) No structure or tree shall be erected, altered or allowed to grow so as to penetrate the airport approach, horizontal, or transitional surfaces.

(F) Helicopters and heliports. Helicopters may use an approved airport in the AP District. Heliports for the exclusive use of helicopters may be permitted in the AP District, provided the facility meets the design criteria of Part 77 of the Federal Aviation Regulation, U.S. Department of Transportation, as amended.

(G) Establishment of AP Districts. AP Districts shall only be established or modified by the Board of Supervisors as a map amendment to this chapter as provided for elsewhere in this chapter.

**§ 154.164 CHESAPEAKE/ATLANTIC PRESERVATION AREAS (CAP).**

(A) Title. This Chapter shall be known and referenced as the Chesapeake / Atlantic Preservation Areas (CAP) of Northampton County.

(B) Findings of fact. The Chesapeake Bay and Atlantic Ocean, along with their tributaries, is one of the most important and productive estuarine systems in the world, providing economic

and social benefits to the citizens of Northampton County and the Commonwealth of Virginia. The health of the Chesapeake Bay and Atlantic Ocean is vital to maintaining Northampton County's economy and the welfare of its citizens.

The Chesapeake Bay and Atlantic Ocean waters have been degraded significantly by many sources of pollution, including nonpoint 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 Northampton County Board of Supervisors as Chesapeake / Atlantic Preservation Areas (hereinafter CAP), need to be protected from destruction and damage in order to protect the quality of water in the Chesapeake Bay and Atlantic Ocean and consequently the quality of life in Northampton County and the Commonwealth of Virginia.

(C) Purpose and Intent. This Chapter is enacted to implement the requirements of Va. Code §62.1-44.15:67 et seq. The intent of the Board of Supervisors and the purpose of the CAP is to:

- (1) Protect existing high quality state waters;
- (2) Protect and 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;
- (3) Safeguard the clean waters of the Commonwealth from pollution;
- (4) Prevent any increase in pollution;
- (5) Reduce existing pollution;
- (6) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Northampton County; and
- (7) Promote water quality because of its positive impacts upon the health of Northampton County's citizens and economy.
- (8) The CAP shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the CAP shall also lie in one or more of the other zoning districts provided for by the Zoning Code.

(D) Areas of Applicability. This Chapter shall apply to all lands identified in the CAP's as designated by the Board of Supervisors and shown on the general CAP map.

- (1) The Resource Protection Area (RPA) includes:

- (a) Tidal wetlands; (see Appendix A);
- (b) Water bodies with perennial flow;
- (c) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands;
- (d) Non-tidal wetlands connected by surface flow and contiguous to water bodies with perennial flow;
- (e) Tidal shores and beaches;
- (f) Coastal primary sand dunes, including beaches; (see Appendix B); and
- (g) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in the subsections (D) (1) (a)-(f) above and along both sides of any water body with perennial flow.

1. The buffer is an area located adjacent to and landward of the components listed in the subsections above and along both sides of any water body with perennial flow.

2. 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 nonpoint source pollution from runoff shall be maintained if present and established where it does not exist.

3. The full buffer area shall be designated as the landward component of the RPA.

4. The 100-foot buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients.

(2) The Resource Management Area (RMA) is composed of all land in the Northampton County which is not designated as an RPA.

(3) The CAP map shows the general location of RPAs and should be consulted by persons contemplating activities within Northampton County prior to engaging in a regulated activity.

(4) Areas designated as redevelopment areas shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in NCC §154.164 (M).

(E) Use Regulations. Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless modified by the requirements set forth herein.

(F) Lot Size. Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the RPA to accommodate an intended development, in accordance with the performance standards in NCC §154.164 (M), when such development is not otherwise allowed in the RPA.

(G) Conflict with Other Regulations. In any case where the requirements of this Chapter conflict with any other provision of the Northampton County Zoning Code and / or other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

(H) Interpretation of Resource Protection Area Boundaries. Delineation by the applicant. The site-specific boundaries of the RPA shall be delineated by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with NCC §154.164, Areas of Applicability et seq., and NCC §154.164 (N). The CAP map and the National Wetlands Inventory Maps may be used as a guide to the general location of RPAs.

(1) Delineation by the Zoning Administrator. The Zoning Administrator, when requested by an applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the RPA delineation. The Zoning Administrator may use hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.

(2) Where a conflict arises over delineation. Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may make adjustments to the applicant's boundary delineation, in accordance NCC §154.164 (N). In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief pursuant to the provisions of NCC §154.164 (N) (8) and NCC §154.022 and NCC §154.225, et seq.

(I) Encroachments into the RPA.

(1) General.

(a) A water quality impact assessment as described in NCC §154.164 (O) shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development.

(b) Any development or redevelopment 2,500 square feet or greater of land

disturbance shall require the approval of a plan of development prior to any clearing or grading of the site or the issuance of any building permit.

(c) Any encroachments into the RPAs shall be mitigated by the appropriate use of best management practices and / or mitigation planting as described in NCC §154.164 (M).

(d) Approvable encroachments into the RPA are: buffer area maintenance, water-dependent facilities, roads, or driveway crossings satisfying the conditions set forth in NCC §154.164 (I) (2), (3) and (4) flood control or stormwater management facilities satisfying the conditions set forth in NCC §154.164 (I) (5) redevelopment, or development uses provided for through a waiver, exception, or exemption.

(e) If an encroachment is approved through the issuance of an administrative waiver by the Zoning Administrator, at the time the waiver is granted, written notification shall be sent to adjacent property owners advising them of the determination and the appeal process.

(2) **Vegetation and Paths.** In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval by the Zoning Administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater. The following encroachments into the buffer area are allowed:

(a) As described in the Riparian Buffers Modification & Mitigation Guidance Manual, see Appendix C link 9, trees may be pruned or removed as necessary to provide for sight lines and vistas, subject to approval by the Zoning Administrator, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;

(b) Any path, subject to approval by the Zoning Administrator, shall be constructed and surfaced so as to effectively control erosion;

(c) 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 allowed, subject to approval by the Zoning Administrator, pursuant to sound horticulture practices; and

(d) 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 and applicable permit conditions or requirement, subject to approval by the Zoning Administrator.

(3) **Water dependent facilities.** A new or expanded water-dependent facility may be allowed provided that the following criteria are met:

- (a) It does not conflict with the county's Comprehensive Plan;
  - (b) It complies with the performance criteria set forth in NCC §154.164 (M);
  - (c) Any non-water-dependent component is located outside of the RPA; and
  - (d) Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- (4) Roads and driveways. Roads and driveways not exempt under NCC §158.163 (J) may be constructed in or across RPAs if each of the following conditions is met:
- (a) The Zoning Administrator makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the RPA;
  - (b) The alignment and design of the road or driveway minimizes both encroachment into the RPA and adverse impacts on water quality;
  - (c) The design and construction of the road or driveway satisfy all applicable criteria of this Chapter, including submission of a water quality impact assessment according to NCC §154.164 (O);
  - (d) Any applicable permit or approval from the Northampton County Wetlands Board, the Virginia Marine Resources Commission, or the U. S. Army Corps of Engineers is obtained;
  - (e) The plan for the proposed road or driveway in or across the RPA is reviewed in coordination with site plan, subdivision, and/or plan of development approvals.
- (5) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs if the following conditions are met. A best management practice that collects and treats runoff from only an individual lot or some portion of a lot may not be located within an RPA.
- (a) The location of the facility within the RPA has been demonstrated to be the optimum location;
  - (b) The size of the facility is the minimum necessary to provide necessary flood control or stormwater management, or both;
  - (c) The facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with the Virginia Stormwater Management Program;

(d) All applicable permits for construction in state or federal waters must be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission;

(e) Any required permit is obtained from the Northampton County Wetlands Board and a site plan is approved;

(f) Routine maintenance shall be performed on such facilities to assure that they continue to function as designed.

(6) Mitigation. In order to mitigate the effects of the buffer encroachment, other measures such as French drains, dry wells, and storage of construction materials outside the buffer must be implemented unless the Zoning Administrator determines that such measures are inappropriate or unnecessary due to the specific conditions of the site or the nature of the project.

(7) Redevelopment may be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA. Redevelopment shall conform to the stormwater management requirements outlined under NCC §154.164 (N) (4) and erosion and sediment control requirements outlined under NCC §154.164 (N) (5).

(8) Administrative Waiver Process. Development may occur upon the approval of an administrative waiver process when the following conditions exist.

(a) An applicant seeks to expand nonconforming uses and structures. For the purposes of the CAP, this shall be defined as the lawful use of a building or structure which existed on October 1, 1989, or which exists at the time of any amendment to this Chapter, and which is not in conformity with the provisions of the CAP.

(b) The application of the buffer area would result in the loss of buildable area on a lot or parcel recorded prior to October 1, 1989.

(c) No waiver shall be granted unless the following conditions and findings are met:

1. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

2. The encroachment may not extend into the seaward 50 feet of the buffer area;

3. There will be no increase in nonpoint source pollution load;

4. 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;

5. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Chapter.

(d) A request for an administrative waiver to the requirements of this Chapter shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed waiver on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of NCC §154.164 (O).

(e) The Zoning Administrator shall review the request for an administrative waiver and the water quality impact assessment and may grant the waiver with such conditions and safeguards as deemed necessary to further the purpose and intent of this Chapter, but only if the Zoning Administrator finds:

1. Granting the waiver will not confer upon the applicant any special privileges that are denied by this Chapter to other property owners in the CAP;

2. The waiver request is not based upon 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 waiver request is the minimum necessary to afford relief;

4. The waiver request will be in harmony with the purpose and intent of this Chapter, and not injurious to the neighborhood or otherwise detrimental to the public welfare and is not of substantial detriment to water quality;

5. Reasonable and appropriate conditions are imposed which will prevent the waiver request from causing a degradation of water quality;

6. In no case shall this provision apply to accessory structures; and

7. The waiver is permitted by NCC §154.245 et seq.

(f) An administrative waiver request shall be made to and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper enforcement of this Chapter, the following information:

1. Name and address of applicant and property owner;

2. Legal description of the property and type of proposed use and development;

3. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the RPA;

4. Location and description of any existing private water supply or sewage system; and

5. Justification for the waiver request, including how the criteria in NCC §154.164 (I) (8) (e) are satisfied by the waiver request;

6. A waiver shall become null and void 12 months from the date issued if no substantial work has commenced;

7. If the Zoning Administrator cannot make the required findings or refuses to grant the waiver, the Zoning Administrator shall return the request for a waiver together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for an exception.

(9) Exceptions by the Board of Zoning Appeals.

(a) Persons aggrieved by the denial of a waiver by the Zoning Administrator may appeal for an exception from the Board of Zoning Appeals (“BZA”).

(b) A request for an exception to the requirements of this Chapter shall be made in writing to the Board of Zoning Appeals on forms furnished by the Zoning Administrator and shall include the information specified in NCC §154.164 (I) (8) (f). The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of NCC.

(c) After notice and public hearing, the BZA 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 Chapter, if the BZA finds:

1. The exception request is the minimum to afford relief, and any encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

2. There will be no increase in nonpoint source pollution load;

3. 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;

4. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Chapter;

5. Granting the exception will not confer upon the applicant any special privileges that are denied by this Chapter to other property owners in the CAP;

6. The exception request is not based upon 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;

7. The exception request will be in harmony with the purpose and intent of the CAP, and not injurious to the neighborhood or otherwise detrimental to the public welfare and is not of substantial detriment to water quality;

8. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality;

9. In no case shall this provision apply to accessory structures; and

10. The waiver is permitted by NCC §154.245 et seq.

(d) An exception shall become null and void 12 months from the date issued if no substantial work has commenced.

(e) An exception may be appealed in the same manner as a variance.

(J) Exemptions for Utilities, Railroads and Public Roads.

(1) Construction, installation, and maintenance of electric, natural gas, fiber optic, and telephone lines, railroads, and public roads and their appurtenant structures in accordance with regulations promulgated pursuant to the Erosion and Sediment Control Law (Va. Code §§62.1-44.15:51 et seq.) and the Stormwater Management Act (Va. Code §§ 62.1-44.15:24 et seq.) and an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality, or local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Chapter.

(2) Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both by Northampton County or a regional service authority shall be exempt from this Chapter provided that:

(a) (To the degree possible, the location of such utilities and facilities shall be outside RPAs;

(b) No more land shall be disturbed than is necessary to provide for the proposed utility installation;

(c) All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

(d) Any land disturbance, exceeding an area of 2,500 square feet complies with all Northampton County erosion and sediment control requirements.

(3) The exemption of public roads is further conditioned on the road alignment and design being optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the RPA and to minimize the adverse effects on water quality.

(K) Exemption for Agriculture and Silviculture.

(1) Exemptions for agriculture. On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area, and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:

(a) Agricultural activities may encroach into the landward 50 feet of the 100-foot buffer area when at least one agricultural best management practice, which, in the opinion of the Eastern Shore Soil and Water Conservation District Board, addresses the site's more predominant water quality issue (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 on the site, 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;

(b) Agricultural activities may encroach into the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which 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; and

(c) 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 considered by the Eastern Shore Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land, either erosion control or nutrient management.

(d) When agricultural uses within the buffer area cease and the lands are proposed to be converted to other uses, the full 100-foot-wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

(2) Exemptions for silvicultural activities.

(a) Silvicultural activities are exempt from the requirements of this Chapter provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of Best Management Practices for Forestry Operations [Technical Guide].

(b) When silvicultural uses within the buffer area cease and the lands are proposed to be converted to other uses, the full 100-foot-wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

(L) Exemptions in Resource Protection Areas. The following uses in RPAs may be exempted: water wells; passive recreation facilities such as boardwalks, trails, and pathways; and historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

(1) Any required permits, except those to which this exemption specifically applies, shall have been issued;

(2) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

(3) The intended use does not conflict with nearby planned or approved uses; and

(4) Any land disturbance exceeding an area of 2,500 square feet shall comply with all Northampton County erosion and sediment control requirements.

(M) Performance Standards.

(1) Purpose and intent. The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration. 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 harmful fertilizers or pesticides, filters storm-water runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces storm water runoff potential. The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.

(2) General performance standards for development and redevelopment.

(a) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

1. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be defined by the construction footprint plus up to 50 feet of open space around the primary structure. The Zoning Administrator shall review and approve the construction footprint through the plan of development process as required under NCC §154.164 (N). These limits shall be clearly shown on submitted plans and physically marked on the development site.

2. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.

(b) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use and development proposed and in accordance with the Virginia Erosion and Sediment Control Handbook.

1. Existing trees over two inches in diameter at breast height (DBH) shall be preserved outside the construction footprint in the RMA; this provision does not apply to any component of the RPA.

2. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed as approved by the Zoning Administrator.

3. Site clearing for construction activities shall be allowed only as approved by the Zoning Administrator through the plan of development review process outlined under NCC §154.164 (N).

4. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five feet outside of the drip line of any tree or stand of trees to be preserved. These protective barriers shall remain so erected

throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

(c) Land development shall minimize impervious cover to promote infiltration of storm-water into the ground consistent with the proposed use or development.

1. Grid and modular pavements may be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Zoning Administrator.

2. Parking space size. See NCC §154.205 et seq.

3. Water retention ponds shall be used where feasible.

(d) Notwithstanding any other provisions of this Chapter or any land disturbing activity 2,500 square feet or greater, shall comply with the requirements of NCC §153.01, et seq., Erosion and Sediment Control Ordinance.

(e) All development and redevelopment 2,500 square feet or greater of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of NCC §154.045 or a subdivision plat in accordance with the Northampton County Subdivision Ordinance, NCC §156.001 et seq. However, the construction of single-family homes will be subject to a simplified plan of development process, pursuant to NCC §154.164 (N).

(f) All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years, unless an exception is granted by the Zoning Administrator.

1. The following pump-out frequency (stated in years) standards will be considered upon request by a landowner and may apply if the Zoning Administrator is satisfied, based upon information furnished by the landowner, that the household size, occupancy per year, and septic tank size warrant an exception as described in NCC §154.164 (N) (2)(f).

Pump-Out Frequency Standards																		
Household Size (# of people)																		
Tank Size (gallons)	1			2			3			4			5			6		
	Occupancy Per Year																	
	>6 Mos	4 to 6 Mos	<4 Mos	>6 Mos	4 to 6 Mos	<4 Mos	>6 Mos	4 to 6 Mos	<4 Mos	>6 Mos	4 to 6 Mos	<4 Mos	>6 Mos	4 to 6 Mos	<4 Mos	>6 Mos	4 to 6 Mos	<4 Mos
500	5.8	11.6	17.4	5.0	5.2	7.8	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
750	9.1	18.2	27.3	5.0	8.4	12.6	5.0	5.2	7.8	5.0	5.0	5.4	5.0	5.0	5.0	5.0	5.0	5.0
900	11.0	22.0	33.0	5.2	10.4	15.6	5.0	6.6	9.9	5.0	5.0	6.9	5.0	5.0	5.1	5.0	5.0	5.0
1,000	12.4	24.8	37.2	5.9	11.8	17.7	5.0	7.4	11.1	5.0	5.2	7.8	5.0	5.0	6.0	5.0	5.0	5.0
1,250	15.6	31.2	46.8	7.5	15.0	22.5	5.0	9.6	14.4	5.0	6.8	10.2	5.0	5.2	7.8	5.0	5.0	6.0
1,500	18.9	37.8	56.7	9.1	18.2	27.3	5.9	11.8	17.7	5.0	8.4	12.6	5.0	6.6	9.9	5.0	5.2	7.8
1,750	22.1	44.2	66.3	10.7	21.4	32.1	6.9	13.8	20.7	5.0	10.0	15.0	5.0	7.8	11.7	5.0	6.2	9.3
2,000	25.4	50.8	76.2	12.4	24.8	37.2	8.0	16.0	24.0	5.9	1.8	17.7	5.0	9.0	13.5	5.0	7.4	11.1
2,250	28.6	57.2	85.8	14.0	28.0	42.0	9.1	18.2	27.3	6.7	13.4	20.1	5.2	10.4	15.6	5.0	8.4	12.6
2,500	31.9	63.8	95.7	15.6	31.2	46.8	10.2	20.4	30.6	7.5	15.0	22.5	5.9	11.8	17.7	5.0	9.6	14.4

2. Septic Pump-Out Exception Policy. While the above regulation was adopted in compliance with requirements of the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 25-830 et seq.), the county and the Commonwealth of Virginia recognize that under some circumstances the requirement may impose an undue burden and hardship. Therefore, the county may grant administrative exceptions to this requirement according to the following guidelines.

3. Each request for an exception will be reviewed on a case-by-case basis.

4. At the time such request is made, the property owner(s) shall provide evidence that the septic system was pumped or installed within the previous five years.

5. When an exception is granted, subsequent pump-outs will be required according to the chart below. However, each exception will be reviewed after five-year intervals, and at the end of such five-year interval, property owners will be notified and requested to verify occupancy status.

6. The county reserves the right to check, during the five-year interval, properties that have been granted pump-out exceptions for building permit activities or changes in property ownership that may indicate a change in status of the septic system.

(g) 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 on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.

(h) For any development or redevelopment, storm-water runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (9 VAC 25-870 et seq.). This reference need to be checked against the new guidance document language.

(i) Prior to initiating grading or other on-site 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 Zoning Administrator, in accordance with NCC §154.164 (N).

(j) If a perennial stream is shown on the County's mapping on any portion of a lot or parcel, a perennial stream assessment must be submitted and accepted prior to approval of a plan of development.

(k) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment. Such assessments shall evaluate 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 accomplished consistent with this Chapter.

(l) When expansion of nonconforming uses and structures would result in an encroachment into the buffer area which lawfully existed on October 1, 1989, or which exists at the time of any amendment to this Chapter, encroachment may be only permitted through an administrative waiver or formal exception in accordance with NCC §154.164 (I) (8) (e).

(m) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachment into the buffer area may only be permitted through an administrative waiver or formal exception in accordance with NCC §154.164 (I).

(n) The buffer shall be maintained in accordance with NCC §154.164 (I) (2).

(3) Required mitigation planting. Establishment or re-establishment of the buffer is addressed by this subsection. Establishment or re-establishment of the buffer will be required for any encroachment into the buffer for any reason, including but not limited to, when a change of use occurs and when a natural buffer does not exist.

(a) Vegetation replacement rates.

VEGETATION REMOVED	PREFERRED REPLACEMENT	ACCEPTABLE VEGETATION	ALTERNATIVE
1 tree or sapling < 2-1/2" caliper	1 tree @ equal caliper or	OR 2 large shrubs @ 3'-4' greater OR 10 small shrubs or woody groundcover* @ 15"-18"	
1 tree > 2-1/2" caliper	1 tree @ 2" caliper, or 1 evergreen tree @ 6' min ht., per every 4" caliper of tree 3:1 ratio (ex: a 12" cal. tree would require 3 trees to replace it)	OR 75% trees @ 2" and 25% large shrubs @ 3'-4' per every 4" caliper of tree removed. (Ex: a 16" ca. tree removed would require 3 trees and 1 large shrub) OR 10 small shrubs or woody groundcover @ 15"-18" per 4' ca. of tree removed. (Ex.: an 8' ca. tree removed requires 20 small shrubs.)	
1 large shrub	1 large shrub @ 3'-4'	OR 5 small shrubs or woody groundcover @ 15"-18"	
*Woody groundcover is considered to be a woody, spreading shrub that remains close to the ground, to 18" high, such as a shore juniper, juniperus conferta. Vines may not be considered "woody groundcover" for the purpose of vegetation replacement			

(b) Restoration / establishment Table A.

1. Definitions.

a. **CANOPY TREE.** A tree that reaches 35 feet in height or larger when mature.

b. **LARGE SHRUB.** A shrub that reaches ten feet of height or greater at maturity.

c. **SMALL SHRUB.** A woody plant that can reach up to ten feet of height at maturity.

d. **UNDERSTORY TREE.** A tree that matures to a height of 12 feet to 35 feet.

2. One-quarter acre or less of buffer (up to 10,890 square feet):

a. For every 400 square-foot unit (20 feet x 20 feet) or fraction thereof plant: one canopy tree at one and one-half to two inches caliper or large evergreen at six feet; and two understory trees at three-

quarter inch to one and one- half inches caliper or evergreen at four feet or one understory tree and two large shrubs at three feet to four feet; and three small shrubs or woody groundcover at 15 inches to 18 inches.

b. Example: A 100-foot wide lot x 100-foot wide buffer is 10,000 square feet. Divide by 400 square feet (20 feet x 20 feet unit) to get: 25 units.

Units x	Plant/Unit	Number of Plants
25 units x	1 canopy tree	25 canopy trees
	2 understory trees	50 understory trees
	3 small shrubs	75 small shrubs
		150 plants

c. Restoration / establishment Table B. Greater than one-quarter acre of buffer (more than 10,890 square feet.)

i. Plant at the same rate as for one-quarter acre or less.

ii. The waterside 50% of the buffer (from the waterline inland for the first 50 feet): For every 400 square-foot unit (20 feet x 20 feet) or fraction thereof plant: one canopy tree at one and one-half inches to two inches caliper or large evergreen at six feet; and two understory trees at three-quarter inch to one and one-half inches caliper or evergreen at four feet or one understory tree and two large shrubs at three feet to four feet; and three small shrubs or woody groundcover at 15 inches to 18 inches; and

iii. The landward 50% of buffer (from 50 feet inland to 100 feet inland), either plant: Bare root seedlings or whips at 1,210 stems per acre, approximately six feet x six feet on center (minimum survival required after two growing seasons: 600 plants), or container grown seedling tubes at 700 per acre approximately eight feet x eight feet on center (minimum survival required after two growing seasons: 490 plants).

(N) Plan of development process. Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through the approval of a plan of development prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this Chapter.

(1) Required information. In addition to the requirements of this Chapter or the requirements of NCC Chapter 156, the plan of development process shall consist of the plans and

studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the information otherwise required is unnecessary due to the scope and nature of the proposed development. The following plans or studies shall be submitted, unless otherwise provided for:

(a) A site plan in accordance with the provisions of NCC §154.045 a subdivision plat in accordance with the provisions NCC Chapter 156: or, for a single-family dwelling unit, a plat showing the proposed house location and any other improvements;

(b) An environmental site assessment;

(c) A landscaping plan;

(d) A stormwater management plan except as provided for in §154.164 (N) (4);

(e) An erosion and sediment control plan in accordance with the provisions of the Northampton County Soil and Sediment Control Ordinance; and

(f) A water quality impact assessment when one is required.

(2) Environmental site assessment. An environmental site assessment shall be submitted in conjunction with a request for preliminary site plan or preliminary subdivision plan approval.

(a) The environmental site assessment must be drawn to scale with a narrative and clearly delineate the following environmental features:

1. Tidal wetlands;

2. Water bodies with perennial flow;

3. Non-tidal wetland connected by surface flow and contiguous to tidal wetlands;

4. Non-tidal wetlands connected by surface flow and contiguous to water bodies with perennial;

5. Tidal shores and beaches;

6. Primary sand dunes, including beaches;

7. A 100-foot buffer area located adjacent to and landward of the components listed in items 1 through 4 above, and along both sides of any water

body with perennial flow; and

8. Other sensitive environmental features as determined by the Zoning Administrator.

(b) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989.

(c) A perennial stream assessment determining water bodies with perennial flow be undertaken using a scientifically valid system of in-field indicators such as those described in the Chesapeake Bay Local Assistance guidance document entitled Determination of Water Bodies with Perennial Flow.

(d) The environmental site assessment shall delineate the site-specific geographic extent of the RPA as required under NCC §154.164 (D); and

(e) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor licensed in Virginia. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

(3) Landscaping plan. A landscaping plan or landscaping element shall be required in conjunction with a request for site plan approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan when required.

(a) Contents of the landscaping plan.

1. The landscaping 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 two inches or greater DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead. The specific number of trees two inches or greater DBH to be preserved outside of the construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan.

2. Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Chapter, shall be shown on the landscaping plan.

3. Within the RPA buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Chapter, shall be shown on the plan. Vegetation required by

this Chapter to replace any existing trees or other woody vegetation within the buffer area shall also be shown on the landscaping plan.

4. Trees or other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Chapter shall be shown on the landscaping plan.

5. The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

6. The landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

7. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the reestablishment of woody vegetation in the buffer area as required in subsection (3) above.

(b) Plant specifications.

1. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

2. All supplementary or replacement plant materials shall be living and in a 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 landscaping plan, are encroached a mitigation plan in compliance with subsection (3) above will be required when the encroachment is within the buffer area. When the encroachment is outside the buffer area replacement of existing trees and other vegetation will be achieved at a ratio of three planted trees or shrubs to one removed. Replacement trees shall be a minimum two-inch caliper at the time of planting and shrubs shall be a minimum of three-gallon container, measured in accordance with standards provided in the most recent edition of American Standard for Nursery Stock published by the American Nursery and Landscape Association.

4. Use of native or indigenous species is required.

(c) Maintenance.

1. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this

Chapter.

2. In buffer areas and areas outside the construction footprint, 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 Chapter.

(4) Stormwater management plan. Stormwater management plan shall be submitted as part of the plan of development process required by this Chapter and in conjunction with site plan or subdivision plat approval consistent with the provisions of the Virginia Stormwater Program Management Regulations except that single-family residences separately built and disturbing less than one acre and not part of a larger plan of development or sale, including additions or modifications to existing single-family detached residential structures shall be exempt as long as when this development or redevelopment exceeds 16% lot coverage, a best management practice (BMP) mitigating for the percentage exceeding 16% shall be installed on the same lot as the development or redevelopment. Completion of the BMP installation shall be required before the issuance of a certificate of occupancy, certificate of compliance, letter of completion or passing final inspection.

(5) Erosion and sediment control plan. An erosion and sediment control plan shall be submitted that satisfies the requirements of this Chapter and is in accordance with the Northampton County Soil and Sediment Control Ordinance, in conjunction with site plan or subdivision plat approval, consistent with the provisions of the Virginia Erosion and Sediment Control Regulations.

(6) Final plan. Final plans for property within the CAP shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in NCC §154.045 and NCC Chapter 156, Northampton County Subdivision Code.

(a) Final plans for all lands within the CAP shall include the following additional information:

1. The delineation of the Resource Protection Area boundary, including the 100-foot buffer area;
2. Plat or plan note stating that no land disturbance is allowed in the RPA buffer area without the review and approval by the Zoning Administrator;
3. All wetlands permits required by law; and
4. A maintenance agreement as deemed necessary and appropriate by the Zoning Administrator to ensure proper maintenance of best management practices in order to continue their functions.

(b) Installation and bonding requirements:

1. Where a plan of development requires improvements such as but not limited to the buffer area establishment, landscaping, stormwater management facilities or other specifications, the plan shall not be approved until bonding / surety is provided for the completion of the improvements. No certificate of occupancy shall be issued until the installation of all required improvements are completed in accordance with the approved plan.

2. The cost of the improvements will be determined, to the satisfaction of the Zoning Administrator, by the applicant providing two guaranteed estimates or an estimate provided by a licensed engineer.

3. 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 Northampton County.

4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement through the issuance of a land disturbance permit. 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 Northampton County. Northampton County may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

5. After all required actions of the approved 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, 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 Zoning Administrator may require a certificate of substantial completion from a professional engineer or Class III B Surveyor before making a final inspection.

(7) Administrative responsibility. Administration of the plan of development process shall be in accordance with the site plan provisions of NCC §154.045 and / or NCC Chapter 156.

(8) Appeals of administrative decisions regarding plans of developments shall be as provided in NCC §154.026(A) and applicable law. Appeals from BZA decisions regarding plans of development shall be as provided in NCC §154.026 (B) and applicable law.

(O) Water Quality Impact Assessment. The purpose of the water quality impact assessment is to:

(1) Identify the impacts of proposed land disturbance, redevelopment, or

development on water quality and lands within RPAs and other environmentally-sensitive lands;

(2) Ensure that, where land disturbance, redevelopment, or development does take place within RPAs 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 RPAs and other sensitive lands;

(3) Protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage;

(4) Specify mitigation which will address water quality protection.

(5) A water quality impact assessment is required for:

(a) Any proposed land disturbance, redevelopment, or development within an RPA, including any buffer area modification or encroachment as provided for in NCC §154.108; and

(b) Any land disturbance, redevelopment, or development in an RMA as deemed necessary by the Zoning Administrator due to the unique characteristics of the site or intensity of the proposed development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

(6) Minor water quality impact assessment. A minor water quality impact assessment pertains only to development activities within the CAP which cause no more than 5,000 square feet of land disturbance and require any modification of or encroachment into the landward 50 feet of the 100-foot buffer area as permitted under this Chapter. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required best management practices will result in removal of no less than 75% of sediments and 40% of nutrients from post-development stormwater runoff and 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:

(a) Location of the components of the RPA, including the 100-foot buffer area;

(b) Location and nature of the proposed encroachment into the buffer area, if needed, 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;

(c) Type and location of proposed best management practices to mitigate the proposed encroachment;

(d) The area to be disturbed necessitated by the construction;

(e) 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 or modification; and

(f) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal and erosion and runoff control.

(7) Major water quality impact assessment. A major water quality impact assessment shall be required for any development activities which exceed 5,000 square feet of land disturbance within the CAP and propose to modify or encroach into the landward 50 feet of the 100-foot buffer area; propose to disturb or encroach into any portion of the seaward 50 feet of the 100-foot buffer area or any other component of an RPA; or are located completely in an RMA and is deemed necessary by the Zoning Administrator. The information required in this section shall be considered a minimum, unless the Zoning Administrator 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:

(a) All of the information required in a minor water quality impact assessment, as specified in subsection (6) above;

(b) A hydro-geological element that:

1. Describes the existing topography, soils, hydrology and geology of the site and adjacent lands;

2. Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands;

3. Indicates the following: Disturbance or destruction of wetlands, primary and secondary dunes and justification for such action; disruptions or reductions in the supply of water to wetlands, streams, or other water bodies; disruptions to existing hydrology including wetland and stream circulation patterns; source location and description of proposed fill material, if applicable; location of dredge material and location of dumping area for such material, if applicable; estimation of pre- and post-development pollutant loads in runoff; estimation of percent increase in impervious surface on site and type(s) of surfacing materials used; percent of site to be cleared for project; anticipated duration and phasing schedule of construction project; and listing of all requisite permits from all applicable agencies necessary to develop project; and describes the proposed mitigation measures for the potential hydro-geological impacts. Potential mitigation measures include: additional proposed erosion and sediment control concepts beyond those normally required under this Chapter; these additional concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection; and proposed storm water

management system.

4. A vegetative element that: identifies and delineates the location of all woody plant material on site, including all trees two inches or greater DBH or, where there are groups of trees, stands may be outlined; describes the impacts the development or use will have on the existing vegetation. Information should include: general limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities; clear delineation of all trees and other woody vegetation which is proposed to be removed; and description of all plant species proposed to be disturbed or removed; and

5. Describes the proposed measures for mitigation. Possible mitigation measures include: proposed design plan and replanting schedule for trees and other woody vegetation proposed to be removed for construction, including a list of proposed plants and trees to be used; demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation; demonstration that indigenous plants are to be used to the greatest extent possible; and demonstration that the revegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal and erosion and runoff control.

(8) Submission and review requirements.

(a) Eight copies of all site drawings and other applicable information as required NCC §158.045 shall be submitted to the Zoning Administrator for review.

(b) All information shall be completed by persons qualified to perform the scope of work required in this section and certified by a professional engineer or surveyor licensed in Virginia.

(c) A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with NCC §154.164 (N).

(d) A major water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with a request for rezoning, special use permit, or in conjunction with NCC §154.164 (N).

(e) As part of any major water quality impact assessment submittal, the Zoning Administrator may require review by the Virginia Department of Environmental Quality (DEQ) and other agencies to assist in a complete review. Upon receipt of a major water quality impact assessment, the Zoning Administrator and other state and local agencies will determine if such review is warranted and may request DEQ to review the assessment and respond with written comments. Any comments by such agencies will be incorporated into the final review by the Zoning Administrator, provided that such comments are provided by said agencies within 60 days of the request.

(9) Evaluation procedure.

(a) The Zoning Administrator may determine that a modification or reduction of the buffer area is appropriate if, after review of a complete minor water quality impact assessment, it is established that:

1. The proposed encroachment is necessary to allow use of the property and improvements may not be placed elsewhere on the site to avoid disturbance of the buffer area;
2. Impervious surface is minimized;
3. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
4. Proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;
5. Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
6. The development, as proposed, is consistent with the purpose and intent of this Chapter; and
7. 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.

(b) Prior to the approval of a proposed project or development, the Zoning Administrator may determine that a modification or reduction of the buffer area is appropriate if, after review of a complete major water quality impact assessment, it is established that:

1. Within any RPA, the proposed development is water-dependent or constitutes redevelopment;
2. The disturbance of any wetlands will be minimized by noting the percentage of existing wetlands to be disturbed and the acreage or square footage of proposed wetland disturbance;
3. The development will not result in significant disruption of the hydrology of the site;
4. The development will not result in unnecessary destruction of plant

materials on site;

5. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;

6. Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve the required performance standard for pollutant control;

7. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits as well as runoff control and pollutant removal equivalent to the full 100-foot undisturbed buffer area;

8. The design and location of any proposed drainfield will be in accordance with the requirements of section 110 of Virginia State Health Department; and

9. The development, as proposed, is consistent with the purpose and intent of the CAP.

(c) The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed above in NCC §154.164 (N) (9) (a) and (b).

(d) The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this Chapter when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria set forth in NCC §154.164 (N) (9) (a) and (b).

#### **§ 154.165 HIGHWAY CORRIDOR DISTRICT (HC).**

(A) Title. This section shall be known and referenced as the Highway Corridor (HC) District of Northampton County.

(B) Findings of fact. As the Eastern Shore of Virginia's primary route for local and through traffic, U.S. Route 13 represents a significant community investment and contributes to Northampton County's public health, safety, and welfare. U.S. Route 13 provides access to jobs and schools, facilitates delivery of emergency services, and supports movement of goods and services. Furthermore, the U.S. Route 13 corridor serves as a first impression of Northampton County for tourists and the traveling public and, as a safe and accessible highway facility, serves a vital economic development function. The Highway Corridor District designation will provide for development of highway-oriented businesses, industries, and residential development, as permitted by the underlying zoning district, while preserving and enhancing the safety, function, and capacity of the U.S. Route 13 corridor in Northampton County.

(C) Purpose and intent. Pursuant to the authority granted by the Code of Virginia, and in particular the legislative intent established in § 15.2-2200 and the purposes of zoning ordinances established in § 15.2-2283, the purpose of the Highway Corridor District is to enhance the safety, function, and capacity of designated highways. As major through traffic routes, these highways represent significant community investments, and contribute to the public health, safety, and welfare. Finally, as safe and accessible facilities, the corridors serve a vital economic development function, which the HC District is intended to preserve.

(D) Areas of applicability.

(1) The Highway Corridor District shall apply to all lands identified as HC as designated by the Board of Supervisors and as shown on the Zoning District Map. Such map together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this section.

(2) The HC District shall apply to all developments abutting U.S. Route 13 and requiring site plan or subdivision review. The HC shall also apply to redevelopment projects, as outlined in division (J) of this section, regardless of whether such redevelopment requires site plan or subdivision review. For the purposes of this chapter, U.S. Route 13 shall mean the mainline highway and bypass sections, and shall not mean sections of U.S. Route 13 Business.

(E) Use regulations. Permitted uses, special permit uses, accessory uses, and special requirements shall be established by the underlying zoning district, unless specifically modified by the requirements set forth herein. These requirements may include, but shall not be limited to, requirements for setbacks, parking, landscaping, signs, and lighting.

(F) Lot size. Lot size shall be subject to the requirement of the underlying zoning district(s).

(G) Required conditions.

(1) For the purposes of this section, large development projects such as shopping centers shall be considered individual development projects. Extensions of completed projects shall be subject to these regulations, regardless of whether they abut U.S. Route 13. For developments subject to these regulations, all required plans may be submitted as a single plan, provided that all information is clearly shown to meet the requirements outlined herein.

(2) To ensure adequate coordination with the Virginia Department of Transportation (VDOT) regarding highway access management and traffic improvements, no site plan or subdivision plat shall be approved without a written finding from the VDOT Resident Engineer that the proposed roadway, driveway, and circulation systems are consistent with the U.S. Route 13 Access Management Plan.

(H) Conflict with other regulations. In any case where the requirements of this section conflict with any other provision of the Northampton County Zoning Ordinance and other regulations or existing state or federal regulations, whichever imposes the more stringent

restrictions shall apply.

(I) Performance standards.

(1) Purpose and intent. The purpose and intent of these performance standards is to minimize the impact of highway-oriented development on the safety, function, and traffic capacity of the U.S. Route 13 corridor in Northampton County.

(2) General performance standards for development and redevelopment.

(a) Site plans. All site plans shall include an access plan drawn to the same scale as the site plan and showing the location and dimensions of all streets, sidewalks, driveways, crossovers, parking areas, access aisles, landscape areas, and any other relevant information.

(b) Site access. Access to HC routes shall be provided by direct or indirect means, consistent with the following:

1. Number of access points. Each tract of land recorded prior to August 12, 2004, is entitled to one direct access point to the public roadway network, provided that VDOT approves. Each tract of land recorded after August 12, 2004, is entitled to one direct access or indirect point to the public roadway network provided that its location and design fulfill, at a minimum, the minimum corner clearance and the minimum site distance requirements of this chapter. Where the roadway frontage of a tract of land is greater than 500 feet, an additional access point may be allowed, if it is determined that the access point will not adversely affect the capacity of the roadway. Any additional access points must be in compliance with all applicable sections of this chapter. Where multiple tracts of land are developed as a single entity, as in the case of a shopping center, office park, or similar development, they shall be treated as one tract of land for the purposes of determining the permitted number of access points.

2. Corner clearance. The minimum corner clearance of driveways from intersecting streets shall be 400 feet approaching the intersection. Downstream corner clearance shall be 250 feet minimum. For side street approaches to U.S. Route 13, the minimum corner clearance shall be 250 feet. At signalized intersections, corner clearances in excess of these minimum dimensions may be required, in consultation with the VDOT. Where a traffic study is submitted that shows 20-year peak period 95 percentile queue lengths will not extend past the driveway location, corner clearances may be reduced, in consultation with the VDOT.

3. Minimum sight distance. Minimum sight distances along the highway shall be provided to allow vehicles to safely turn left or right onto the highway. Sight distances provided along the HC District shall be a minimum of

1,000 feet.

4. Outparcels. All access to outparcels must be internalized utilizing the main access drive of the principal retail center. Access to each outparcel shall be as direct as possible, avoiding excessive movement across the parking aisles and queuing across surrounding parking and driving aisles. In no instance shall the circulation and access of the principal commercial facility and its parking and service be impaired.

5. Residential developments. New residential subdivisions shall include an internal street layout which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the highway.

6. Median crossovers. Where a proposed development fronts an existing or planned median crossover, access from the development to adjacent sites shall be provided, so as to promote shared access and minimize demand for additional crossovers.

7. Shared access and reverse frontage. Internal access roads and inter-parcel connections shall be provided to facilitate the local movement of traffic between existing and proposed development and minimize demand for local trips on the highway. Based on consultation with the VDOT Resident Engineer, inter-parcel access may take the form of direct driveway connections or reverse frontage roads.

8. Pedestrian access. Pedestrian walkways shall be incorporated into each project so as to minimize conflicts with vehicular traffic. Pedestrian circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.

9. Bicycle access. Bicycle facilities may be incorporated into each project so as to minimize conflicts with vehicular traffic. If installed, bicycle circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required.

(c) Traffic impact analysis. All developments generating more than 2,000 average daily trips shall prepare and submit a traffic impact analysis. The projected number of average daily trips shall be based on trip generation rates as defined by the most recent publication of the Institute of Transportation Engineers "Trip Generation." In addition, a traffic impact analysis may be required for developments generating 2,000 or fewer average daily trips when it is determined, in consultation with the VDOT Resident Engineer, that safety considerations warrant such analysis. The traffic impact analysis shall identify level of service impacts of the proposed development, based on a 20-year demand projection, and shall be used to determine necessary improvements to support the development. At a minimum, the impact analysis shall address the following:

1. Turn lane and access improvements;
2. Internal site circulation;
3. Shared access/access to adjacent sites;
4. Impacts to intersections and median crossovers;
5. Potential need for signalization; and
6. Relationship of the proposal to the U.S. Route 13 Access Management Plan

(d) Required improvements. Required improvements, the need for which is generated by the proposed development, shall be determined in consultation with the VDOT Resident Engineer. The developer shall be responsible for providing any required improvements, which shall be shown on site plans. The need for required improvements shall be based on the following:

1. The U.S. Route 13 Access Management Plan;
2. Applicable traffic impact analyses; and
3. Highway safety and capacity.

(e) Setback from VDOT right-of-way. Buildings shall be set back from the VDOT right-of-way a minimum of 100 feet, the first 20 feet of which abutting the roadway shall be a vegetated buffer which includes the vegetation installation required in § 154.105. The remaining area in the 20-foot buffer may be planted in grass and/or groundcover. Parking areas and stormwater best management practices may be located in the setback outside the vegetated buffer.

(J) Redevelopment. In order to promote the orderly retrofit of existing developments that do not conform to the requirements of the HC District, while encouraging reuse of previously developed properties, the following redevelopment standards shall apply. The following standards provide guidelines for use in bringing nonconforming sites as close to conformance as possible. All trip generation shall be based on ITE methods as described herein.

(1) Access. Reconstruction, relocation, or elimination of access points shall be required under any of the following circumstances. In such cases, necessary improvements shall be identified in consultation with the VDOT Resident Engineer, and shall be designed to bring the site as close to compliance as possible with the access provisions of this chapter.

(a) The redevelopment will cause an increase of ten average daily trips (ADT) and 20% or more ADT.

(b) The redevelopment will cause any turning movement to increase by five ADT and 20% or more ADT.

(c) The redevelopment will cause an increase in use by vehicles exceeding 30,000 pounds gross vehicle weight of ten vehicles per day or 20% or more vehicles exceeding 30,000 pounds gross vehicle weight per day.

(d) Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value.

(e) As required to address identified safety deficiencies, based on consultation with the VDOT Resident Engineer.

(2) Traffic impact analysis. A traffic impact analysis shall be submitted for all redevelopment projects in which the proposed use will generate more than 2,000 ADT and increase existing ADT by 50% or more.

(3) Required improvements. Improvements required to support the redevelopment shall be based on consultation with the VDOT Resident Engineer, the U.S. Route 13 Access Management Plan, required traffic impact analyses, and highway safety and capacity.

(4) Signage. Reconstruction, relocation, or elimination of freestanding signs shall be required under the following circumstances. Required improvements shall bring on-site signage as close to compliance as possible with §§ 154.190 et seq.

(a) Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current building value.

(b) Existing signs interfere with required site distances.

(5) Lighting. Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value, all lighting shall be brought into compliance with § 154.113.

(6) Landscaping. Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20% of building square footage or totaling 20% of current assessed building value, landscaping shall be brought as close to compliance as possible with § 154.105. This shall include appropriate landscaping of existing green space, as well as provision of additional green space to the extent that it does not interfere with traffic flow or required parking. Where additional green space is required, priority shall be given to establishing front yard green space.

(7) Other requirements. Additional related existing zoning requirements are located

in the following sections of the Northampton County Zoning Ordinance:

- (a) Setbacks: §§ 154.125 et seq.;
- (b) Signs: §§ 154.190 et seq.;
- (c) Lighting: § 154.113; and
- (d) Landscaping: § 154.105.

**§ 154.175 – 177 FLOATING ZONE DISTRICTS**

**§ 154.175 PLANNED RURAL VILLAGE (PRV).**

(A) Statement of intent. The intent of this District is:

(1) To promote the efficient and well-planned use of land as a means of achieving a superior living environment and a convenient, attractive and harmonious community;

(2) To encourage the provision and conservation of open space within such areas for leisure time uses;

(3) To encourage a variety of housing styles and types, including affordable housing as described in the county's Affordable Housing Policy;

(4) To provide adequate and properly located public facilities;

(5) To protect against encroachment upon agricultural, marine and other natural resources of the county;

(6) To encourage flexibility and innovations in community design which would result in improved relationships between various uses of land and transportation or other public facilities.

(B) Provisions. To accomplish the purposes set forth above, this section provides for the following:

(1) A definition of Planned Rural Village (PRV);

(2) The creation of a special PRV Floating Zoning District;

(3) Procedures for submission, review and approval of PRV plans and zoning applications;

(4) Development standards for PRVs;

(5) Provisions for density bonuses;

(6) Establishment of certain requirements, obligations and rights in the approval of the concurrent documents;

(7) A process for amending an approved PRV design or PRV District.

(C) Planned Rural Village defined and intent established. A Planned Rural Village (PRV) is a

residential land development project that is designed, submitted, reviewed, approved and constructed as a single unified project under the provisions of this section and in compliance with other applicable regulations referred to by this section.

(1) Approval of PRV is legislative action. It is the intent of the Board of Supervisors that approval of any PRV is a legislative action.

(2) District created as floating zone. The Planned Rural Village (PRV) District is created as a special purpose floating zone district designed to be superimposed over other zoning districts of this chapter. The district boundaries shall be established on the Zoning District Map and identified as a Planned Rural Village in an appropriate sequential format for each PRV approved by Board of Supervisors.

(3) Relation to conflicting requirements. Once a PRV District has been established by the Board of Supervisors, the regulations of this section shall be used within PRVs in lieu of other requirements of this chapter.

(4) Land use and dimensional requirements. The land use, housing types, minimum lot requirements, minimum yard requirements and accessory uses and signs approved for a specific PRV District shall be determined by the requirements and procedures set forth in this section.

(5) PRVs to have adequate facilities. All development projects approved in a Planned Rural Village (PRV) District shall be served by adequate sanitary sewers, sewage disposal facilities, highway access and a water supply approved by Northampton County and the necessary state agencies.

(6) Overall community plan. A PRV enables a plan to be prepared for the development of an overall community. Within such planned village, the location of all residential, nonresidential and governmental uses, including: school sites, parks, playgrounds, recreation areas and other open spaces shall be planned in such manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another. Such planned communities, if approved, must be consistent with the Comprehensive Plan for the county as a whole, and the primary consideration of such planned communities by the Planning Commission and Board of Supervisors shall be based on the extent to which the development meets this requirement.

(D) Procedure for establishment. The following provisions establish the procedures for application and approval of a PRV Zoning District.

(1) Zoning districts in which Planned Rural Villages may be considered. The Board of Supervisors may, after public hearing and recommendation by the Planning Commission, and after notice and hearing as required by VA Code § 15.2-2204, as amended, authorize the development of Planned Rural Villages within any of the zoning districts in the following table. Such authorization shall be given only to land areas of minimum acreage under common ownership or control as specified below within each classification of zoning district.

Minimum Acreage Required for Planned Rural Village

Zoning District	Minimum Acreage
Agricultural (A-1 or A-2)	100 acres
Rural Residential (RR) in RV & CD	25 acres
Rural Village – Residential (RV-R)	10 acres
Community Development– R1 (CD-R1)	20 acres
Rural Village – RM (RV-RM)	10 acres
Community Development – RM (CD-RM)	20 acres

(2) Enlargement of PRV. Additional land area may be subsequently added to an approved Planned Rural Village if it adjoins or forms a logical addition to an existing PRV community. The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this section shall apply except the minimum acreage requirements as specified above.

(3) Application for PRV rezoning required. The applicant shall file an application for rezoning with the Zoning Administrator and shall furnish with his application 22 copies of a preliminary plan. The preliminary plan shall be prepared by a person or firm qualified by reason of training and experience, or by registration or certification by the Commonwealth of Virginia to prepare preliminary development plans. It shall show the proposed location of the various types of land uses, the proposed densities of housing units in residential areas, a street plan, public utility plan, storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses. The Planning Commission is authorized to establish additional requirements to be submitted with the application.

(4) Review of PRV Plan by the Planning Commission and technical staff. The Planning Commission shall review the preliminary plan as submitted by the applicant and shall determine the location within the county of the proposed planned community and shall study the characteristics of the area serving the proposed planned community. The Planning Commission shall then determine a reasonable time which shall be sufficient to permit the technical staff of the county to evaluate the proposed project and to present its recommendations for necessary utilities and other facilities to protect other uses within the area. No preliminary approval shall be given to any such project until the recommendations of the technical staff have been considered by the Planning Commission.

(5) Submission of final PRV plan. Following the recommendation of the Planning

Commission and the approval of the Board of Supervisors of the preliminary plan, the following shall apply.

(a) The applicant shall furnish to the County Planning Office 22 copies of a final plan of any section of not more than ten acres of land shown on the preliminary plan, prepared by a certified professional engineer or land surveyor, showing the layout of all streets and roads, the location of all buildings, parking areas, pedestrian ways, utility easements (including water lines, power lines, sewer lines, pumping stations, drainfields, storm water drainage facilities), lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all land and buildings and the metes and bounds of all dedicated areas and lots.

(b) The applicant shall also furnish to the County Planning Office a proposed deed of dedication, including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between structures.

(c) When the final plan and deed of dedication shall have been approved by the Zoning Administrator as being in conformity with this section of this chapter and with any changes or requirements of the Board of Supervisors on the preliminary plan, and it has been determined that the applicant has complied with the requirements of the subdivision ordinance, it shall be approved for recordation and shall be recorded with the Clerk of the Court at the cost of the applicant. Thereafter, no modification may be made in the final plan except by an amended final plan submitted as provided for the original plan.

(E) Development standards for PRVs.

(1) Uses permitted by right in a PRV. The following uses shall be permitted by right in PRV Floating Zones. All such uses shall be subject to approval by the Board of Supervisors as part of an adopted plan of development. Uses proposed subsequent to the Board's approval will need to go through the full application process. All uses allowed in the C, A, RV-RR, RV-R, RV-C, CD-RR, CD-R1, CD-RM, and CD-CN zoning districts whether by right or by special use permit. Commercial uses shall be designed to serve the residents of the PRV subject to the limitations set forth in subsection (2) below.

(2) Limitations on use within PRVs.

(a) Any use permitted in a PRV District shall be permissible only in the location shown on the approved preliminary plan.

(b) Commercial uses within a PRV shall be designed to serve the residents of the PRV, not in such a manner to attract and serve members of the community at large. Permissible commercial uses may be located within the same building as multiple family dwellings, provided that the commercial entrance is separate from the residential entrance. Commercial areas within a PRV shall not exceed 100 square feet per unit, in the following proportion:

1. Retail sales area: 30 sq. ft. / dwelling unit;
2. Parking area: 50 sq. ft. / dwelling unit;
3. Circulation area: 20 sq. ft. / dwelling unit.

(c) There shall be incorporated into the overall plan for the PRV open space which shall not be less than 25% of the gross area of the PRV.

(d) The overall residential densities of a PRV shall not exceed the following number of units per gross acre of the PRV project in each of the following underlying zoning districts, except when modified by the bonuses set forth in division (G) below.

Density Permitted in Planned Rural Village

Zoning District	Maximum Density Dwellings/Acre
Agricultural (A-1 or A-2)	0.25
Rural Residential (RR) in RV & CD	2.00
Rural Village – R (RV-R)	2.50
Rural Village (RV-RM)	10.00
Community Development – R1 (CD-R1)	3.00
Community Development – RM (CD-RM)	20.00

(e) The Planning Commission may recommend and the Board may approve gross densities greater than those shown in the preceding item as a bonus for complying with performance standards as set forth in division (G) of this section.

(f) In calculating the minimum area of the site for a PRV under this section, the gross usable lot area under the jurisdiction of the applicant shall be the basis of consideration, with the following exceptions. No area of the site shall be included in the project area that is part of any existing public street, or other public lands; nor shall any area be included that is not directly under the control of the applicant either as fee simple owner or contract owner; nor areas that are regulated by the Northampton County Wetlands Board.

(g) In computing average density on any final plan of a part of a PRV District, as each successive final plan is submitted, the overall density of all areas shown on recorded final plans within the recorded sections of the district shall never at any time in the history of the development exceed the maximum permitted density. Any excess in land area over that required to support the maximum permitted density may be included.

(h) The applicant shall allocate space necessary for public purposes, including parks, schools, open space, playgrounds, fire and rescue stations or other public facilities reasonably attributable to and occasioned by the particular development. Where the particular development partially contributes, along with other development or developments in the area, to the need for such facilities, the developer may be asked to contribute either land or funds, on a pro rata basis, whichever may be the more feasible, the portion of such facilities as is reasonably attributable to the particular development.

(F) Special modifications applicable to regulations within a PRV District.

(1) Special uses and structures. No special use permit is applicable in a PRV District; the procedure for all uses is as set out in subsection (E) (1) above.

(2) Area requirements. There shall be no maximum percent lot coverage for the individual uses within a PRV, but of the total gross acreage within the development no more than 75% of the site shall be developed with lots, buildings, streets and off-street parking.

(3) Setbacks. There shall be no minimum setback requirements within a PRV District, except that the area on the outer perimeter of the planned community shall adopt the setback of the adjoining district, provided that setback lines on primary, state and federal highways shall be maintained. The location of all structures shall be as shown on final development plans as required.

(4) Yards. There shall be no minimum side and rear yard requirements, except that no single-family detached dwelling and no addition to any single-family detached dwelling shall be erected within a distance of less than 24 feet from any other single-family dwelling.

(5) Corner lots. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings.

(6) Accessory structures. The aggregate floor area of an accessory building or structure shall not exceed 25% of the area of the lot or parcel. Accessory buildings shall not be located closer than 25 feet to any property line.

(7) Open space. Minimum open space requirements set forth in other provisions of this section shall apply.

(8) Minimum off-street parking. Minimum off-street parking requirements shall be as set forth in §§ 154.205 et seq.

(9) Signs. Requirements for signs shall be as set forth in §§ 154.190 et seq.

(10) Site plan approval. Requirements for site plan approval shall be as set forth in §§ 154.040 et seq.

(G) Density bonuses. The purpose of this section is to establish a system of incentives and bonuses to encourage developers to create services and amenities which are desirable for project residents and the county as a whole. Bonuses are provided in the form of permitted increases in project density.

(1) Affordable housing. In accordance with the county's duly adopted Affordable Housing Policy, no density bonus offered by the county shall exceed that offered for improving the county's affordable housing stock. Accordingly, for each unit of affordable housing included within a PRV project or funded for construction off-site of the PRV project, the developer may increase the number of dwelling units by one-half unit to a maximum of a 10% increase in the gross density of the PRV project. This bonus may be earned separately from the other bonuses referred to in section (2) below.

(2) How density credits are computed. As a guide to potential developers, the number of dwelling units permitted within a PRV may be increased over the maximum density otherwise permitted. Density permitted in Planned Rural Village, in division (E) (2) (d) of this section, up to the amounts shown below for specific features or facilities when approved by the Board of Supervisors in a PRV District as herein provided.

(a) The total percentage increase permitted shall be determined by adding individually permitted increases. Fractional dwelling units may be carried as fractions for individual computations but fractions shall be rounded to the nearest whole number after summation of individual increase increments.

(b) The total density increase resulting from an aggregation of separate increases stipulated below shall not exceed 10% of the density otherwise permitted in the district in which the PRV is located. Specific features shall be considered as a basis for increasing the density within a PRV up to the following amounts.

1. For each acre of net development area set aside as open space to be managed under a homeowner association, excluding a golf course, the number of dwelling units may be increased by one-half dwelling unit, provided that no more than a 5.0% increase in density shall be authorized through this provision.

2. The amount of density credit to be allowed for a golf course will be determined by an objective evaluation of the extent the golf course is to be for the exclusive use of the residents of the PRV compared with the amount of public use it is expected to receive. For the share that is representative of the resident's interest in the project, 100% may be counted as open space for purposes of computing net development area of the project. For the share that is intended for

outside use, the percentage that may be counted as open area will be established by the Board of Supervisors upon recommendation of the Planning Commission.

3. For certain specific facilities installed in the PRV for the exclusive use of the residents thereof, the following increases in density shall be permitted:

- a. Golf course/public: 2.00% increase for an 18-hole course;
- b. Swimming pools: a 0.50% increase for each swimming pool;
- c. Tennis courts: a 0.50% increase for each court up to a total of six;
- d. A community club house: 0.25% increase;
- e. Bicycle and pedestrian trails which link up to a county-wide system of similar trails: 0.50% increase.

4. For preserving and setting aside secondary sand dunes as defined, the density may be increased 1.25% for each one acre of the said dunes.

(3) Multiple tracts may be submitted in an application for a PRV. The owner of any tract of land or any combination of tracts of land qualifying under this section for a PRV may submit an overall PRV design requesting review and approval of same under the provisions of this section.

(4) Multiple owners may submit application for a PRV. The land in a PRV need not be under a single ownership. Multiple tracts with different owners may qualify as an applicant for a PRV, provided that assurances are given that the multiple tracts are under unified control and that the PRV can be completed successfully. Such assurances may include the establishment of unified control by agreements acceptable to the County Attorney through which the owners are represented. Such assurances shall include enforceable documentation of ownership showing the interests and agreement between or among owners and holders of such interests. The application for establishment of a PRV, if not in the name of a single individual owner, shall be in the name of the entity established for the purpose of developing the PRV. The names of the principals of such entity shall be given in the application.

(5) Ultimate PRV project may have divided ownership. The applicant for establishing a PRV may include proposals for subsequent division of the PRV into two or more separately owned, constructed and operated units, provided the overall PRV design is approved as a single development unit, there is nothing in these regulations to prevent separate development, ownership and control of individual sub-units thereof; however:

- (a) No amendment may be submitted for any portion of the PRV, including an enlargement of the area of the development unless all such separate owners concur by

appropriate statements included in the application; and

(b) The obligations the respective original owners have to establish common facilities and a home's association must have been met to the satisfaction of the Board of Supervisors after review and recommendation of the County Attorney.

(H) Relation of PRV to other regulations.

(1) Relation to other zoning districts. Upon approval by the Board of Supervisors of a PRV Zoning District for a PRV, the developer is thereby granted the right to develop within such PRV Zoning District the PRV in compliance with the specific land use density and general policies established by the Board's action. The establishment of a PRV Zoning District does not preclude a developer from using the property for uses permitted in the regular zoning district, in which the PRV is located, in the event the developer does not elect to construct the PRV. But once a PRV is approved and any subsection thereof is developed or committed for development, the remaining area within the PRV District shall be developed in conformity with the approved overall PRV design or an approved amendment thereof.

(2) Relation to subdivision ordinance. Upon approval of an overall PRV design under this section and/or the establishment of a PRV District, such approved design shall be considered an approved preliminary subdivision plat as defined in the subdivision ordinance and such plan shall thereafter be controlled by the subdivision ordinance with respect to the filing of a final plat.

(I) Utilities and services. The developer shall provide necessary facilities as required by the Northampton County Subdivision Ordinance and as determined by the agent for Northampton County for water, sewer, drainage, highway access, paved service streets, parking facilities and lighting to the property to be developed as a PRV and shall provide appropriate documentation, where appropriate, to demonstrate that authorization has been obtained or might reasonably be expected to be obtained from the appropriate public official or agency responsible for providing such services.

(J) Guarantee of completion. Before approval of a development plan, the Board of Supervisors shall require appropriate safeguards to be approved as to form by the County Attorney securing construction of public improvements and guaranteeing completion of the overall PRV design, or designated section thereof, in a period to be specified, which period shall not exceed five years unless extended by action of the Board of Supervisors.

(K) Schedule of construction. In approving a PRV District and accompanying final site plan, the developer shall prepare, subject to approval by the Board of Supervisors, a schedule of construction. No permits for construction shall be issued except in accordance with the adopted schedule. In the case of mixed dwelling types, the schedule shall require that lower density dwellings and higher density dwellings be constructed concurrently, or that at least 15% of lower density dwellings shall be constructed or partly constructed before the construction of higher density dwellings is started. Where nonresidential uses are a part of the development, the schedule may require that a minimum percentage of residential construction be completed before

construction of nonresidential uses is started or it may require that all or a portion of nonresidential construction be completed concurrently prior to residential construction. Failure to construct or provide planning features, which are either required or the basis of a density bonus within a reasonable time of construction of other planned elements, shall constitute a violation of this section.

(L) Right to continue. The rights of the developer to continue with construction of an approved project shall not be abridged so long as he proceeds toward completion and in accordance with the terms of the approval.

(M) Abandonment.

(1) Abandonment after preliminary approval. In the event that a plan is given preliminary approval, but prior to final approval of the site plan, should the developer elect to abandon part or all of said plan, he shall so notify the Board of Supervisors in writing. In the event the developer fails to file application or applications for final approval within the required period of time or times, the preliminary approval shall be revoked. All that area, or portion thereof, included in the overall PRV design for which final approval has not been given shall be subject to all applicable local ordinances.

(2) Abandonment after final approval. In the event that an overall PRV design, or section thereof, is given final approval and thereafter the applicant or his successors shall abandon said plan or section thereof, he shall so notify the Board of Supervisors in writing. In the event the applicant, or his successors, fails to commence the development of a specific phase of development within five years after final approval has been granted, such final approval of the speck phase of development shall be null and void unless such time period is extended by the Board of Supervisors upon recommendation by the Planning Commission. Upon termination of an approval, the Planning Commission shall review any changes in the zoning map brought about by the proposed development and if it deems said changes to be inappropriate it may initiate an amendment to the zoning district map to revise said map to the classification that existed prior to the establishment of the PRV zone in accordance with the procedures for changes and amendments contained herein.

(N) Sale of approved PRV by original applicant.

(1) In the event that all or a portion of an approved PRV project is sold by the original applicant, the succeeding owners shall be bound by the site plans submitted by and approved for the original applicant.

(2) If the succeeding owner wishes to alter such plans, the new site plans must be submitted in accordance with division (D) of this section.

(O) Amendments. The procedure for amendment of the boundaries of an approved Planned Rural Village shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved Planned Rural Village may be approved by the Director of Planning, provided that such amendment:

- (1) Does not alter a recorded plat;
- (2) Does not conflict with the specific requirements of this chapter;
- (3) Does not change the general character or content of an approved development plan or use;
- (4) Has no appreciable effect on adjoining or surrounding property;
- (5) Does not result in any change of major external access points;
- (6) Does not increase the approved number of dwelling units or height of buildings;
- (7) Does not decrease the minimum specified yards and open space or minimum or maximum specified parking and loading spaces.

**§ 154.176 MOBILE HOME PARK (MHP).**

(A) Intent. This District is designed to accommodate mobile homes in a planned neighborhood. All Mobile Home Park (MHP) Districts shall be served by approved sewage disposal facilities, adequate highway access and a public water supply. In mobile home parks, no space shall be rented for residential use except for periods of 30 days or more.

(B) Principal permitted uses and structures. The following uses shall be permitted by right in the MHP District subject to other provisions of this chapter.

- (1) Signs, as permitted in §§ 154.190 et seq.;
- (2) Mobile homes as described in division (A) above;
- (3) Accessory buildings;
- (4) Playgrounds and parks;
- (5) Community service or recreational buildings which are integral components of the MHP;
- (6) Off-street parking as permitted in §§ 154.205 et seq.;
- (7) Public utilities;
- (8) Erosion and stormwater control devices;
- (9) Office for MHP rental/management.

(C) Special uses and structures. The following uses and structures may be permitted by special use permit:

(1) Fire and rescue stations;

(2) Nursery and day care centers;

(3) Public utilities: public water and sewer transmission main trunk lines and treatment facilities and pumping stations; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, transmission and relay towers and substations;

(4) Tennis and swim clubs for MHP residents.

(D) Area requirements.

(1) Generally. Minimum area for creation of a permanent Mobile Home Park District shall be ten acres.

(2) Minimum lot size. Minimum lot size for mobile homes shall be 5,000 square feet space per unit. Other permitted uses shall have area sufficient to accommodate the uses and its accessory uses and other provisions of this chapter.

(3) Maximum percent lot coverage (parks). Mobile home lots, off-street parking and streets shall cover no more than 80% of the mobile home park site.

(E) Setbacks. Mobile home sites and primary and accessory structures shall have the following minimum yard or setback requirements.

	Primary	Accessory
From U.S. Route 13	250 ft.	250 ft.
From other public access roads	150 ft.	150 ft.
From shorelines	150 ft.	150 ft.

From mobile home park property line	50 ft.	50 ft.
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Mobile home pad from internal access ways or common area	15 ft.	—
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(F) Vegetated buffer. Within the minimum 50 foot setback each MHP shall be buffered with a 25 feet width of semi-opaque vegetated buffering around its entire perimeter, except for authorized entrance points, in the manner set forth herein.

(G) Yards. Yard regulations shall be as follows:

(1) Minimum lot or space width: 40 feet.

(2) Distance between mobile homes: 15 feet from end to end; 15 feet from side to side.

(3) Distance between mobile home and any central service or recreational building: 50 feet.

(H) Heights. Buildings may be erected up to 15 feet in height, except that:

(1) Any public or semi-public building, monument, water tower, chimney, flue, flagpole, antennas or similar structures may be erected in accordance with § 154.145.

(2) No accessory building which is within ten feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

(3) No accessory building which is within ten feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

(I) Corner lots.

(1) Of the two sides of a corner lot, the front shall be deemed to be the shortest side fronting on a street.

(2) The side yard on the side facing the side street shall be 25 feet for both main and accessory buildings.

(J) Accessory structures. Accessory buildings aggregate area shall not exceed 25% of the gross site area outside of lot areas.

(K) Open space and recreation area. Within the total required open space, there shall be at least 100 square feet per unit of developed play and recreation area. Each mobile home park shall provide not less than one playground and no playground shall be less than 2,500 square feet in area.

(L) Minimum off-street parking. Minimum off-street parking requirements shall be as set

forth herein.

(M) Access. Each mobile home space shall have frontage on a dedicated public street or public access easement or shall have access over common area to such a public easement, as determined by the approving authority. In cases where lots do not have frontage on dedicated public streets, the public access easement shall be a minimum of 30 feet. In cases where the easements dead-end, there shall be a cul-de-sac with a minimum turning radius of 50 feet. The 30 feet public access easement shall be improved with a 24-foot minimum width of travel way. All such access travel ways and walks shall be constructed in accordance with the county's standards and specifications, now in effect or to be adopted, and shall be located as determined by the approving authority. At such time as the 30 foot public access easements are designated by the appropriate county authority as fire lanes, the lanes shall be posted with approved "No Parking" signs by the developer/operator.

**§ 154.177 PLANNED INDUSTRIAL (PID).**

(A) Statement of intent. The Planned Industrial District is intended to permit the development of large scale and comprehensively planned industrial facilities on contiguous areas of land under unified control. The standards and procedures of this section are designed to permit the harmonious and efficient layout of uses, structures, circulation and utilities within the Planned Industrial District and to insure that the development does not adversely affect adjoining properties of the county in general and the county's natural resources in particular.

(B) Purposes. To accomplish the purposes set forth above, this section provides for the following:

- (1) A definition of the Planned Industrial District (PID);
- (2) The creation of a special PID Floating Zone;
- (3) Procedures for submission, review and approval of PID plans and zoning applications;
- (4) Development standards for PIDs; and
- (5) A process for amending an approved PID design or PID District.

(C) Planned Industrial District defined and intent established.

(1) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning. **PLANNED INDUSTRIAL DISTRICT (PID).** A land development project that is designed, submitted, reviewed, approved and constructed as a single unified project under the provisions of this section and in compliance with other applicable regulation referred to by this section.

(2) It is the intent of the Board of Supervisors that approval of and PID is a legislative action and that the action creates a special Floating Zone District designed to be superimposed over other zoning districts of this chapter. The district boundaries shall be established on the Zoning District Map and identified as a Planned Industrial District in an appropriate sequential format for each PID approved by the Board of Supervisors.

(3) Once a PID has been established by the Board of Supervisors, the regulations of this section shall be used within the PID in lieu of other requirements of this chapter or the county's subdivision ordinance in cases where they conflict therewith.

(4) The land use, housing types, minimum lot requirements, minimum yard requirements and accessory uses and signs approved for a specific PID shall be determined by the requirements and procedures set forth in this section and/or as otherwise approved by the Board of Supervisors after recommendation by the Planning Commission and county's technical staff.

(5) Relation to Comprehensive Plan. A PID is intended to permit development of Planned Industrial Districts in accordance with the Comprehensive Plan on lands containing minimum acreage as prescribed herein and approved by the Board of Supervisors.

(6) PIDs to have adequate facilities. All development projects approved in a Planned Industrial District shall be served by adequate sanitary sewers, sewage disposal facilities, highway access and a water supply approved by Northampton County and the necessary state agencies.

(7) PID plan to be consistent with Comprehensive Plan. A PID enables a plan to be prepared for the development of an overall industrial area. Within such Planned Industrial District, the location of all roads, utilities, lost and open space shall be planned in a manner so as to permit a harmonious and appropriately designed industrial area. Such a PID, in order to be approved, must be consistent with the objectives of the Comprehensive Plan for the county as a whole, and the primary consideration of such a PID by the Board of Supervisors shall be based on the extent to which the proposed PID meets this requirement of compliance with the Comprehensive Plan. Such a PID, when approved, shall constitute a part of the Comprehensive Plan.

(D) Procedure for establishment. The following provisions establish the procedures for application and approval of a PID Zoning District.

(1) Location of PIDs. The Board of Supervisors, after notice and hearing as required by VA Code § 15.2-2204, may authorize, for land areas under common ownership or control, the development of Planned Industrial Districts in the following zoning districts:

- (a) Community Development-M1 (CD-M1);
- (b) Agricultural (A-1 or A-2).

(2) Minimum acreage for PIDs. All PIDs must be of sufficient acreage to accommodate the necessary setbacks, vegetated buffering and proposed use; however, in no case shall the minimum acreage of a PID be less than 20 acres.

(3) Enlargement of PID. Additional land area may be subsequently added to an approved PID if it adjoins or forms a logical addition to an existing PID. The procedure for an addition shall be the same as if an original application were filed and all of the requirements of this section shall apply except the minimum acreage requirements specified above.

(4) Application for PID rezoning required. The applicant shall file an application for rezoning with the Zoning Administrator and shall furnish with his application 30 copies of a preliminary plan. The preliminary plan shall be prepared by a person or firm qualified by reason of training and experience or by registration or certification by the Commonwealth of Virginia to prepare preliminary development plans. It shall show the proposed location of the various types of land uses, the proposed lot lines, a street plan, public utility plan, storm drainage plan, landscape plan and a plan showing the location of open spaces and other public uses. The Planning Commission is authorized to establish additional requirements to be submitted with the application, provided they are found to be necessary for proper review of the development.

(5) Review of PID proposal by staff and Planning Commission. The Planning Commission shall review the preliminary plan as submitted by the applicant, determine the location within the county of the proposed PID, and study the characteristics of the area proposed for the PID. The Planning Commission shall then determine a reasonable time which shall be sufficient to permit the technical staff of the county to evaluate the proposed project and to present its recommendations for necessary utilities and other facilities to protect other uses within the area. No preliminary approval shall be given to any such project until the recommendations of the technical staff have been considered by the Planning Commission.

(6) Submission of final PID plan. Following the recommendation of the Planning Commission and the approval of the Board of Supervisors of the preliminary plan, the following shall apply.

(a) The applicant shall furnish 22 copies of a final plan of any section of not more than ten acres of land shown on the preliminary plan, prepared by a certified professional engineer or land surveyor, showing the layout of all streets and roads, the location of all buildings, parking areas, pedestrian ways, utility, easements (including water lines, power lines, sewer lines, pumping stations, drainfields, storm water drainage facilities), lot lines, open spaces, the proposed use of all land and buildings and the metes and bounds of all dedicated areas and lots.

(b) The applicant shall also furnish a proposed deed of dedication and restrictions, including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between structures.

(c) When the final plan and deed of dedication and restrictions shall have been approved by the Zoning Administrator as being in conformity with this section and

with any changes or requirements of the Board of Supervisors on the preliminary plan, and it has been determined that the applicant has complied with the requirements of the subdivision ordinance, then the final plan and deed of dedication shall be approved for recordation and shall be recorded. Thereafter, no modification may be made in the final plan except by an amended final plan submitted as provided for the original plan.

(E) Uses permitted in a PID. It is the intent of Northampton County that the Planned Industrial District be used for industrial or manufacturing purposes. All such uses shall be subject to approval by the Board of Supervisors as part of an adopted plan of development. Any commercial type uses planned as accessory uses to the principal industrial or manufacturing use shall also be approved by the Board of Supervisors as part of the adopted plan of development.

(1) Uses permitted in PIDs. The following uses shall be permitted in PID Floating Zones subject to approval by the Board of Supervisors as part of an adopted plan of development:

- (a) All uses in Category 4, Industrial Uses, of Appendix A;
- (b) All uses in Category 1, Agricultural Uses, of Appendix A.

(2) Limitations on uses within PIDs.

(a) Minimum lot sizes for uses shall be sufficient to accommodate the use and its accessory uses and other provisions of this chapter.

(b) Impervious surfaces for all uses, including off-street parking shall not cover more than 60% of the individual lot or parcel, not including buffer zones as required in division (F) of this section.

(c) In calculating the minimum area of the proposed development, the gross usable area under the jurisdiction or control of the applicant shall be the basis of consideration, excluding any areas that are regulated by the Northampton County Wetlands Board.

(d) The Board of Supervisors or its agent may require, as a conditioned prerequisite to approval of the development, that the developer allocate space necessary for public purposes. Where a particular PID partially contributes, along with other development or developments in the area, to the need for such facilities, the developer may be required to contribute either land or funds, on a pro rata basis, whichever may be the more feasible, the portion of such facilities as is reasonably attributable to the particular PID.

(3) Special uses. No special use permit is applicable in a PID. The procedure for all uses is set out in subsection (1) above.

(F) Special modifications to regulations within a PID.

(1) Setbacks. There shall be no minimum setback requirement in a PID except as follows and/or as provided for in subsection (2).

	Primary Uses	Accessory Uses
From Lankford Highway (US 13)	250 ft.	250 ft.
From existing secondary roads	150 ft.	150 ft.
From shorelines	250 ft.	250 ft.

(2) Vegetated buffer. There shall be established within a PID the following vegetated buffer zones along the outer boundaries of the PID.

(a) PID abutting Agricultural District. 75 foot buffer area with 25 feet of semi-opaque screening or a reduction to a 50 foot buffer area with 50 feet of opaque screening except when the district abuts a Resource Protection Area as defined in § 154.163.

(b) PID abutting a Residential District. 100 foot buffer area with 50 feet of semi-opaque screening or a reduction to a 75 foot buffer area with 50 feet of opaque screening except when the district abuts a Resource Protection Area as defined in § 154.163.

(c) PID abutting an Industrial or Commercial Zone. 2.5 foot buffer area with ten feet of semi-opaque screening or a reduction to a 15 foot buffer area with ten feet of opaque screening except when the district abuts a Resource Protection Area as defined in § 154.163.

(d) PID with frontage on Lankford Highway (US 13) and secondary roads. 100 foot buffer area with 25 feet of semi-opaque screening or a reduction to a 75 foot buffer area with a 50 foot opaque screening except when the district abuts a Resource Protection Area as defined in § 154.163.

(e) PID with frontage on a railroad. The Board of Supervisors may eliminate the buffer area to the extent necessary to provide access to the railroad.

(G) Procedure for amending an approved PID. The procedure for amendment of the boundaries of an approved PID shall be the same as for a new application, except that minor amendments of an approved site plan of development or subdivision plat and conditions attached to an approved PID may be approved by the Director of Planning, provided that such amendment or modification:

(1) Does not alter a recorded plat;

- (2) Does not conflict with the specific requirements of this chapter;
- (3) Does not change the general character or content of an approved development plan or use;
- (4) Has no appreciable effect on adjoining or surrounding property;
- (5) Does not result in any substantial change of major external access points;
- (6) Does not decrease the minimum specified yards and open space or minimum or maximum specified parking and loading spaces.

(H) Abandonment of a PID after final approval. In the event that an overall PID design, or section thereof, is given final approval and thereafter the applicant or his successors shall abandon said plan or section thereof, he shall so notify the Board of Supervisors in writing. In the event the applicant, or his successors, fails to commence the development of a specific unit within five years after final approval has been granted, such final approval of the specific development unit shall be null and void unless such time period is extended by the Board of Supervisors upon recommendation by the Planning Commission. Upon termination of an approval, the Planning Commission shall review any changes in the zoning map brought about by the proposed development and if it deems said changes to be inappropriate it may initiate an amendment to the zoning district map to revise said map to the classification that existed prior to the establishment of the PID in accordance with the procedures for changes and amendments contained herein.

**§ 154.190 – 193 SIGNS**

**§ 154.190 GENERALLY.**

The purpose of this subchapter is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values, to protect the character of the various communities in the county, to facilitate the creation of a convenient, attractive and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the stated purpose and intent of this chapter.

(A) Signs as an accessory use. Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory use to the principal use.

(B) Permit required.

(1) For the purpose of this chapter, all signs, to include those set forth in division (D) below, are deemed to be accessory uses as defined in division (D) below and, unless specifically qualified, shall be located on the same lot with the principal use.

(2) In keeping with the purpose and intent of this subchapter, all signs shall be regulated in accordance with the provisions that follow and in accordance with the provisions of the zoning district in which the sign is to be located.

(3) No sign, except for those signs listed in division (C), shall be constructed, erected, relocated, or expanded until a sign permit for such sign has been obtained in accordance with the provisions of this subchapter.

(4) No permit for any sign shall be issued unless the sign complies with the regulations contained herein.

(C) Permit not required.

(1) Replaceable copy and maintenance requiring no permit. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

(a) The changing of the advertised copy or message on an approved painted or printed sign or billboard or a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy;

(b) Painting, repainting, cleaning and other normal maintenance and repair of an approved sign or sign structure, unless a structural alteration is made.

(2) Permanent signs requiring no permit. No Northampton County sign permit shall be required for any of the following signs; however, all other applicable regulations of the zoning ordinance and the Uniform Statewide Building Code shall apply to such signs.

(a) Signs of a constituted governmental body, including traffic signs and signals or similar regulatory devices or warnings at railroad crossings. Such signs may be located off-site.

(b) Memorial tablets or signs and historic markers erected by duly constituted and authorized public authorities. Such signs may be located off-site.

(c) Signs required to be maintained by law or governmental order, rule or regulation, with a total area of all such signs not to exceed 12 square feet on any lot or parcel.

(d) Signs erected by a public agency which identify or give direction to public uses. Such signs may be freestanding or building-mounted and may be located off-site. If freestanding, no such sign shall exceed six feet in height.

(e) Flags of the United States, the Commonwealth of Virginia, Northampton County, other countries and states, the United Nations Organization or similar organizations of which this nation is a member, the President or Vice-President of the United States, religious groups, civic organizations, service clubs and designer or seasonal.

(f) Small signs which post or display address numbers as may be required by the county. In addition, small signs which identify the name and/or address of the occupant of a single family dwelling unit. Such additional signs shall be limited to one per dwelling unit, shall not exceed four square feet in area, may be either building-mounted or freestanding, and if freestanding shall not exceed four feet in height or be located closer than three feet to any lot line.

(g) Small signs displayed on-site for the direction or convenience of the public, such as signs which direct traffic or identify the location of restrooms, public telephones, freight entrances or parking areas. No such sign shall exceed two square feet in area or be located closer than five feet to any lot line.

(h) Small signs placed by a public utility showing the location of underground facilities. No such sign shall exceed two square feet in area.

(i) Seasonal displays and decorations, for events such as religious holidays and the Fourth of July, not advertising a product, service or entertainment.

(j) Signs warning the public against hunting, fishing, trespassing, dangerous animals, swimming or the like. Such signs may be freestanding or attached to a fence or

tree, and such shall not exceed four square feet in area. Such signs shall be posted at approximate eye level and shall not be located closer than five feet to any street line.

(k) Signs accessory to an agricultural use located on a parcel of not less than 20 acres for the purpose of identifying such agricultural uses. No such sign shall exceed 16 square feet in area, six feet in height or be located closer than ten feet to any public right-of-way. One such sign may be placed at each entrance, not to exceed two such signs per farm.

(l) Signs erected by a public agency for the purpose of identifying a geographical area or giving directions and distances to commercial districts in which are located the following types of commercial facilities: restaurants, motels and establishments for the servicing of motor vehicles, provided that no such sign shall give the name, direction or distance to any specific business establishment. Such signs may be located off-site.

(m) Small signs, above grade, which identify parking for the handicapped as required by the provisions of the Virginia Uniform Statewide Building Code No 10, such sign shall exceed one and one-half square feet in area.

(n) Signs posted by a service station identifying the hours of operation of the establishment and gasoline prices. Such signs shall be limited to a maximum of two per establishment, and no such sign shall exceed 16 square feet in area.

(o) Signs which denote religious, charitable, fraternal, military or service organizations located within the county. The signs may be freestanding and may be located off-site, provided, however, that no one individually chartered organization may have more than two such signs. A sign denoting a single chartered organization shall not exceed eight square feet in area or six feet in height. A number of such signs may be placed on one structure; provided, however, the area of each individual sign does not exceed 40 square feet in area or eight feet in height.

(p) Signs posted by a service station for the purpose of identifying such station as being authorized to perform state safety and/or emission control inspections. Such signs shall not exceed ten square feet in area and may be either building-mounted or attached to an existing authorized freestanding sign structure. If attached to an authorized freestanding sign structure, such signs shall not exceed the height of the existing sign.

(3) Temporary signs requiring no permit. No permit shall be required for any of the following temporary and/or seasonal signs; however, a zoning clearance and compliance with all other applicable regulations of the zoning ordinance and those set forth in the Virginia Uniform Statewide Building Code and VA Code Title 33.1, Chapter 7 shall be required for all such signs except official public notices.

(a) Official notices or advertisements posted by or under the direction of any public or court officer in the performance of his official duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments; provided, however, that all

such signs shall be removed not later than ten days after the last day of the period for which the same are required to be displayed in order to accomplish their purpose.

(b) Political campaign signs erected on Election Day at officially designated polling places for a period not to exceed 24 hours.

(c) Real estate signs advertising the sale, rental or lease of a premises or part of the premises on which the signs are displayed. Such signs shall not exceed a total area of four square feet or a maximum height of six feet when advertising a single family detached, attached or multiple family dwelling unit or a parcel of land; a total area of 12 square feet or a maximum height of eight feet when advertising a farm, multiple family dwelling development; a total area of 32 square feet or a maximum height of eight feet when advertising a commercial or industrial property or a residential property containing a minimum of 20 acres. Such signs shall not exceed one in number per property per rental agency. Such signs shall be removed within seven days of the settlement, rental or lease.

(d) Freestanding, off-site directional sign(s) providing information as to the location of private garage or yard sales or real estate that is for sale or for rent. Such signs shall be subject to the following conditions.

1. No such sign shall exceed three square feet in area or four feet in height.

2. Such signs shall not exceed five in number per property or yard sale being advertised, provided that no two signs advertising the same property and located beside the right-of-way of any one street shall be located closer than 500 yards from each other.

3. Signs giving direction to a private garage or yard sale shall not be posted more than two weekends or legal holidays in any one calendar year.

4. All such signs shall be permitted only if, and in only those locations, approved by the Virginia Department of Transportation.

5. Nothing in this provision shall be construed to authorize the posting of such signs upon utility poles, traffic control signs, lights or devices or in any place or manner prohibited by the provisions of this subchapter.

(e) Temporary signs advertising a residential subdivision development. Such sign shall be limited to one in number, may be freestanding or building-mounted and shall be limited to a maximum area of 60 square feet, and if freestanding, a maximum height of ten feet.

1. Temporary construction signs which identify the name of the proposed development, the character of the building(s), enterprise(s), or the purpose for which the building(s) is intended. Such signs may, as a secondary use

which is clearly subordinate to the identification of the proposed development, identify the architects, engineers, contractors, realtors and other individuals or firms involved with the construction but shall not include any advertisement of any product. Such sign(s), not to exceed one per street frontage, may be freestanding or building mounted and shall be limited to a maximum area of 32 square feet, and if freestanding, a maximum height of eight feet. No such sign shall be located closer than ten feet to any lot line.

2. The sign(s) shall be located on the site of the construction or residential subdivision development and shall be removed within 14 days following completion of construction. No such sign(s) shall be displayed for a period in excess of two years, except if construction has not been completed, a sign permit may be obtained for an additional period as may be approved by the Zoning Administrator.

(f) Temporary signs announcing such happenings as "Grand Opening," "Under New Management," or "Going Out of Business." In addition, bunting, banners, pennants and other decorative material shall be securely attached to the building and shall not exceed twice the allowable building-mounted sign area for the use which it identifies. Such signs may be either freestanding or building-mounted and shall be subject to the following conditions:

1. A maximum of 20 square feet in area;
2. If freestanding, not to exceed eight feet in height or located closer than ten feet to any lot line;
3. For a period not to exceed 30 days;
4. On a given property, such temporary sign may be displayed only one time by the same proprietor in a 12 month period.

(g) Temporary signs identifying a temporary farmer's market or wayside stand as may be approved under the provisions of this chapter. Such may be freestanding or building-mounted; shall not exceed one in number per use; and shall not exceed eight feet in height.

(h) Temporary signs identifying an open-air produce stand as may be approved under the provisions of this chapter. The signs may be freestanding or building-mounted; shall not exceed one in number per use; shall not exceed 32 square feet in area and, if freestanding, exceed eight feet in height.

(i) Temporary signs advertising the sale of seasonal products such as Christmas trees, pumpkins, and fireworks as may be approved under the provisions of this chapter. The signs may be either freestanding or building-mounted, and the total area of all such signs shall not exceed 32 square feet. If freestanding, such signs shall not

exceed eight feet in height or be located closer than ten feet to any lot line. Such signs shall not be posted for a period that exceeds 21 days.

(j) Temporary political campaign signs may be permitted off-site in any district, provided that all signs shall be removed within 15 days after the nomination, election or referendum, according to state law.

(D) Prohibited signs. The following signs are prohibited in all zoning districts and in all areas of the county. Where applicable, these prohibitions shall apply to those signs permitted by the provisions of division (C) above.

(1) Any portable sign except such signs that are permitted by the provisions of division (C) above.

(2) Any sign that violates any provision of any law or regulation of the Commonwealth of Virginia or the United States relative to outdoor advertising.

(3) Any sign that violates any provision of the Virginia Uniform Statewide Building Code.

(4) Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.

(5) Any sign displaying flashing or intermittent lights or lights of changing degrees of intensity of color or moving copy when the sign is determined by the Zoning Administrator to constitute a public safety or traffic hazard.

(6) Any sign so placed that it obstructs any window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to, or egress from any building.

(7) Any sign that is attached to a tree, whether on public or private property, except official notices or announcements as provided above.

(8) Any sign that is attached to a utility pole, rock, curbstone, sidewalk, hydrant, bridge, highway marker or other sign on public property, except official notices or announcements as provided above and warning signs as provided above.

(9) Any sign which by reason of its location, position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device erected by a public authority or where it may interfere with, mislead or confuse traffic. To those ends, no sign shall use the words "Stop," "Slow," "Caution," "Yield," "Danger," "Warning," or "Go" when such sign may be confused with a traffic control sign used or displayed by a public authority.

(10) Any sign which would obstruct sight lines for drivers.

(11) Any sign that projects beyond a lot line.

(12) Any sign that overhangs and has a minimum clearance less than ten feet above a walkway or 15 feet above a driveway, alley or travel lane, unless a lower clearance is specifically approved by the Zoning Administrator.

(E) Structural requirements and performance standards. No sign shall be erected unless it complies with the structural requirements as specified in the Virginia Uniform Statewide Building Code.

(F) Maintenance and removal.

(1) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.

(2) The Zoning Administrator may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.

(3) Any sign located on property which becomes vacant and is unoccupied for a period of two years or more shall be deemed abandoned. An abandoned sign shall be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 15 days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may initiate such action as may be necessary to gain compliance with the provision of this chapter.

(G) Outdoor advertising signs constitute separate uses. Outdoor advertising signs, commonly referred to as billboards or poster panels, which advertise products or businesses not connected with the site or building on which they are located are deemed by this chapter to constitute a separate use. The widespread display of outdoor advertising is inconsistent with the character of a rural area and with sound development of Northampton County. Such signs shall be allowed only as follows:

(1) Outdoor advertising signs shall be located only in commercial, manufacturing/industrial, or by special use permit in rural village-residential districts and in addition:

(a) No such sign shall be located within 200 feet of any R District;

(b) No such sign shall be located within ten feet of the nearest right-of-way of any public highway;

(c) No two such signs shall be located closer than 1,500 feet from each other on the same side of a public right-of-way.

(2) Outdoor advertising signs shall be located so as to be primarily visible from the public right-of-way.

(3) The maximum height of an outdoor advertising sign shall be 20 feet or 20 feet above the center line elevation of the street to which it is adjacent at the nearest point, whichever is greater.

(4) Outdoor advertising signs may be single-face or double-faced, but no structure may contain more than two faces. No face shall exceed a total area of 64 square feet.

(H) Nonconforming signs.

(1) Signs lawfully existing on the effective date of the ordinance set forth in this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. Such signs shall not be enlarged, extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.

(2) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign; provided, however, that no nonconforming sign which has been declared by the Zoning Administrator to be unsafe because of its physical condition, as provided for in subsection (F) (2) above, shall be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this subchapter.

(3) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform to the provisions of this subchapter.

(4) If a nonconforming sign is removed, the subsequent erection of a sign shall be in accordance with the provisions of this subchapter.

(5) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its appraised value may be restored within two years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding 50%, it shall not be reconstructed except for a sign which would be in accordance with the provisions of this subchapter.

(6) A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this subchapter.

(7) A nonconforming sign shall be subject to the removal provisions of subsection (F) (3) above. In addition, a nonconforming sign shall be removed if the structure to which it is accessory is demolished or destroyed to an extent exceeding 50% of its appraised value.

(8) The ownership of the sign or the property on which the sign is located shall not, in and of itself, affect the status of a nonconforming sign.

**§ 154.191 TYPES OF SIGNS PERMITTED BY ZONING DISTRICT.**

(A) Only the following signs shall be permitted in Conservation (C), Agriculture (A-1, A-2), Rural Village (RR and R), Community Development Area (RR, R-1 and RM), Planned Rural Village (PRV) and Mobile Home Parks (MHP), subject to general regulations found in § 154.190.

(1) Farm or farm business sign. No more than two such signs on any one premises aggregate area not to exceed 30 square feet, except that in the A Districts, the following signs may be allowed.

(a) Farm or farm business sign. No more than one freestanding sign and no more than three projecting signs on any one lot or premises, with an aggregate area not to exceed 30 square feet. For wall signs, the aggregate area is not to exceed 50 square feet, and no portion of any such sign shall be greater in height than 30 feet from ground level or the eave line of the roof of the main building located on the premises upon which such sign is erected.

(b) Fans directional sign. No more than four such signs shall have on them the same name. The maximum size of each sign is four square feet.

(c) Farm identification sign. No more than two on any lot or premises. The maximum size of each sign is four square feet.

(2) Home occupation sign. One sign not exceeding two square feet in area, not illuminated for the purpose of indicating a home occupation which is permitted under this chapter.

(3) Identification signs. One sign on-site not exceeding 20 square feet in area, for the purpose of showing the name and use of a country club, cemetery, convent, monastery, seminary, children's home, orphanage, fraternal organization, hospital, church or other similar establishments, when such use is permitted.

(4) Subdivision sign. No more than two signs at any one entrance to a subdivision from a road. Aggregate area of such signs at each entrance shall not exceed 50 square feet.

(5) Temporary event sign. Such sign shall be in keeping with § 154.190.

(6) Public, political and posting signs. Such signs shall be in keeping with § 154.190.

(7) Outdoor advertising signs. Such signs shall only be permitted in the Agricultural

Districts and shall be in keeping with § 154.190.

(8) Directional signs. In keeping with § 154.190.

(9) Sale or rental sign. Such signs shall be in keeping with § 154.190.

(10) Contractor's signs. One contractor's sign not exceeding 12 square feet, provided that such sign shall be removed upon completion of work. Height limitation is ten feet above the ground.

(11) Planned Rural Village signage. The provisions set forth in the preceding subsections shall be applicable to signs accessory to uses in PRV Districts. However, in keeping with the intent to allow flexibility in the design of planned rural villages, the following options may be applicable to signs in the PRV Districts.

(a) As an alternative, signs may be permitted in a PRV District in accordance with a comprehensive plan of signage subject to approval during site plan review. The comprehensive plan of signage shall show the location, size, height and extent of all proposed signs within the PRV District or section thereof, as well as the nature of the information to be displayed on the signs.

(b) In addition, within a PRV District, a plan for off-site directional signs which identify commercial centers within the District may be approved by the Board of Supervisors. The plan for off-site signs shall show the location, size, height and extent of all signs encompassed within the plan as well as the nature of the information to be displayed on each sign.

(c) Any application submitted pursuant to this subchapter may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located. When such application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written statement signed by the record owners of such properties which indicates their endorsement of the application.

(B) Only the following signs shall be permitted in Rural Village - Commercial, Community Development Area (CN, CG, M1) Zones, and where such uses are allowed by special use permit in other zoning districts, subject to the general regulations found in § 154.190.

(1) Business signs, free standing. One such sign on the premises of the business, with an area not to exceed 100 square feet. Maximum height is 30 feet; minimum setback from a public right-of-way is ten feet. For a business located on a corner lot, two such signs are permitted, one on each road frontage.

(2) Business sign, wall. One such sign on the premises of the business with an area

not to exceed 100 square feet. Such signs shall not extend more than two feet above the lowest part of the roof of the building.

(3) Sale or rental signs. Such signs shall be governed by standards found in § 154.190.

(4) Contractor's signs. One contractor's sign, not exceeding 12 square feet, provided that such sign shall be removed upon completion of work. Height limitation is ten feet above the ground.

(5) Outdoor advertising signs. Such signs shall be governed by standards found in § 154.190.

(6) Public, political and posting signs. Such signs shall be governed by standards found in § 154.190.

(7) Temporary event signs. Such signs shall be governed by standards found in § 154.190.

(8) Directional signs. Such signs shall be governed by standards found in § 154.190.

(9) Identification signs. One sign on-site, not exceeding 20 square feet in area, for the purpose of showing the name and uses of a country club, cemetery, convent, monastery, seminar, children's home, orphanage, fraternal organization, hospital, church or other similar establishment when such use is permitted.

(10) Theater signs. Signs advertising the acts or features to be given in any theater, movie or otherwise may be displayed on permanent frames erected on the theater buildings; provided that the bottom of such frames are erected flat against a wall and the area of all such frames does not exceed 48 square feet. Marquees shall not be less than ten feet above the sidewalk, alley, or parking areas.

(11) Entrance signs. Signs identifying an industry at an entrance with state public roads, provided such sign is no greater in area than 100 square feet and does not exceed 20 feet in height. Such signs shall be erected in a landscaped setting.

(12) Commercial multiple tenant signs.

(a) Building-mounted signs on buildings housing only one tenant or multiple tenants that access the building via a common outside entrance(s) shall not exceed one and one-half square feet of sign area for each of the first 100 linear feet of building frontage plus one square foot of sign area for each linear foot over 100 linear feet of building frontage. No one sign, however, shall have a sign area in excess of 300 square feet.

(b) Building-mounted signs on buildings housing more than one tenant where

each tenant has its own outside entrance(s) shall not exceed one and one-half square feet of sign area for each linear foot of building footage occupied by each tenant, except as provided for herein. The maximum allowable sign area for any one tenant, however, shall not exceed a total of 300 square feet.

(c) A shopping center shall be permitted one freestanding shopping center identification sign; provided, however, that a shopping center with frontage on two or more major thoroughfares may have one freestanding shopping center identification sign for each frontage on a major thoroughfare with a maximum of two such signs. No freestanding sign shall be permitted for individual enterprises located within or on the same lot with a shopping center; however, identification signs for each individual store within the shopping center may be located on the shopping center identification sign. Any such sign shall not exceed 18 square feet. The maximum size sign is 200 square feet.

### **§ 154.192 SIGN REGULATIONS BY USE AND DISTRICT.**

The following regulations shall apply to all signs which require a sign permit by the provisions of this subchapter. The regulations are based on the zoning district in which the use and accessory sign are located, the use itself, and the location of the use.

(A) Residential, single family uses. The following regulations shall apply to all signs which are accessory to single family residential uses, including single family detached, single family attached, and mobile home dwellings as permitted by special use permit.

(1) Unless otherwise qualified, permitted signs may be located anywhere on the lot of the use to which the sign is accessory.

(2) Building-mounted signs may be permitted provided that such signs shall be flush against the building and shall not exceed a height of ten feet above grade.

(3) Freestanding signs which identify the name of a single family residential subdivision or development shall be permitted at each major entrance thereto. Such signs shall not exceed 60 square feet in area or eight feet in height. More than one sign may be placed at each major entrance; however, the aggregate area of all such signs shall not exceed 60 square feet at each entrance.

(B) Residential, multiple family uses. The following regulations shall apply to all signs which are accessory to multiple family residential uses.

(1) Unless otherwise qualified, permitted signs may be located anywhere on the lot of the use to which the sign is accessory.

(2) Building-mounted signs identifying the name of the building and the address shall be permitted. Such signs shall be flush against the building and shall not exceed 12 square feet in area per building nor be located at a height exceeding 30 feet above grade.

(3) Illumination, if used, shall shine only on the sign or upon the property within the premises and shall not spill over the property line in any direction except by indirect reflection.

(4) Freestanding signs which identify the name of a multiple family development shall be permitted at each major entrance thereto. Such signs shall not exceed 60 square feet in area or eight feet 160 in height. More than one sign may be placed at each major entrance; however, the aggregate area of all such signs shall not exceed 60 square feet at each entrance.

(5) In addition to the signs permitted above, each multiple family development shall be permitted one sign identifying a rental office. Such sign shall not exceed four square feet in area, may be either building-mounted or freestanding, and if freestanding shall not exceed four feet in height or be located closer than five feet to any lot line.

(C) Commercial uses - general. The following regulations shall apply to all signs which are accessory to by right and special permit commercial uses. The regulations of this section are supplemented by the provisions set forth in divisions (D), (E) and (F) below.

(1) Building-mounted signs may be located anywhere on the surface of the walls or roof of the building, but no part of any sign shall extend above or beyond the perimeter of the building's wall, parapet wall, or roof, except as permitted by subsection (2) below.

(2) A building-mounted sign may extend beyond the wall of a building when such sign is erected at a right angle to the wall, does not extend into the minimum required yard, and is not located closer than two feet to any street line.

(3) Signs may be located on the vertical face of a marquee, but no part of the sign shall extend above or below the vertical face. The bottom of a marquee sign shall be no less than ten feet above a walkway or grade at any point.

(4) Unless further restricted by the provisions that follow, no freestanding sign shall exceed a height of 30 feet.

(5) Freestanding signs, where permitted, shall in no instance project beyond any property line or be within five feet of the curb line of a service drive, travel lane or adjoining street. When located on a corner lot, a freestanding sign shall be subject to approval by the Virginia Department of Transportation.

(6) Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services or the entertainment available on the same property where the sign is located, except that political signs are permitted.

(7) Building-mounted signs on buildings housing only one tenant or multiple tenants that access the building via a common outside entrance(s) shall not exceed one and one-half square feet of sign area for each of the first 100 linear feet of building frontage plus one square foot of sign area for each linear foot over 100 linear feet of building frontage. No one sign,

however, shall have a sign area in excess of 300 square feet.

(8) Building-mounted signs on buildings housing more than one tenant where each tenant has its own outside entrance(s) shall not exceed one and one-half square feet of sign area for each linear foot of building footage occupied by each tenant, except as provided for in subsection (3) above. The maximum allowable sign area for any one tenant, however, shall not exceed a total of 300 square feet.

(9) A shopping center shall be permitted one freestanding shopping center identification sign; provided, however, that a shopping center with frontage on two or more major thoroughfares may have one freestanding shopping center identification sign for each frontage on a major thoroughfare with a maximum of two such signs. No freestanding sign shall be permitted for individual enterprises located within or on the same lot with a shopping center; however, each business within the project may display one wall-mounted sign. The maximum size sign is 150 square feet.

(10) Service stations may be allowed one additional square foot of sign area on each gasoline pump for the sole purpose of identifying the specific product dispensed from that pump.

(11) Notwithstanding the provisions of this chapter, motor vehicle fuel price signs shall be permitted, and the sign area of such sign(s) shall not be computed in the maximum sign area permitted by this chapter.

(12) The following signs are permitted as accessory to office parks.

(a) One freestanding sign may be erected at each major entrance to an office park. Such sign(s) shall identify the name of the office park. No such sign shall exceed 40 square feet in area or 20 feet in height or be located closer than ten feet to any street line.

(b) One freestanding building identification sign may be permitted for each detached building which houses a principal use within an office park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed 20 square feet in area or eight feet in height or be located closer than ten feet to any lot line.

(c) One freestanding on-site directory sign may be permitted in close proximity to each major entrance of an office park. Such sign(s) shall be limited to identifying and providing directional information to the individual enterprises located within the office park. No such sign shall exceed 15 square feet in area or eight feet in height or be located closer than ten feet to any street line.

(D) Commercial uses with frontage on U.S. Route 13 and major secondary collector roads. The following regulations shall supplement the provisions set forth in division (C) above and shall apply to all uses located on commercially zoned lands which have frontage on U.S. Route 13 or on a major secondary collector road as shown on the adopted comprehensive plan.

(1) Building-mounted signs shall be limited to the sign area as specified in division (C) above.

(2) An individual enterprise which is not located within or on the same lot with a shopping center shall be permitted one freestanding sign. Such sign shall be limited to a maximum sign area of 100 square feet.

(3) Shopping centers shall be permitted freestanding signs in accordance with the provisions of this section. Such signs shall be limited to a maximum sign area of 100 square feet.

(4) Office parks shall be permitted freestanding signs in accordance with the provisions of § 154.190(C).

(E) Commercial uses in other commercial areas. The following regulations shall supplement the provisions set forth in division (C) above and shall apply to all uses located on commercially zoned lands which do not have frontage on U.S. 13 or on a major collector road.

(1) Building-mounted signs shall be limited to the sign area as specified in division (C).

(2) An individual enterprise shall be permitted a freestanding sign with a maximum sign area of 100 square feet.

(3) Shopping centers shall be permitted freestanding signs in accordance with the provisions of subsection (C) (10) above. Such signs shall be limited to a maximum sign area of 100 square feet.

(4) Office parks shall be permitted freestanding signs in accordance with the provisions of § 154.190(C) (10).

(F) Industrial uses. The following regulations shall apply to all signs which are accessory to by right and special permit industrial uses except as qualified by the provisions of division (C) above.

(1) Building-mounted signs may be located anywhere on the surface of the walls or roof of the building, but no part of any sign shall extend above or beyond the perimeter of the building's wall, parapet wall, or roof, except as permitted by subsection (2) below.

(2) A building-mounted sign may extend beyond the wall of a building when such sign is erected at a right angle to the wall, does not extend into the minimum required yard and is not located closer than two feet to any street line.

(3) Building-mounted signs on buildings housing only one tenant or multiple tenants that access the building via a common outside entrance(s) shall not exceed one square foot of

sign area for each linear foot of building frontage. No one sign, however, shall have a sign area in excess of 200 square feet.

(4) Building-mounted signs on buildings housing more than one tenant where each tenant has its own outside entrance(s) shall not exceed one square foot of sign area for each linear foot of building frontage occupied by each tenant.

(5) One freestanding sign may be erected for each building that has frontage on U.S. Route 13; provided, however, a grouping of separate buildings that house only one tenant shall not be permitted more than one freestanding sign.

(6) Freestanding signs shall in no instance project beyond any lot line or be within five feet of the curb line of a service drive, travel lane or adjoining street. When located on a corner lot, a freestanding sign shall be subject to the requirements of the Virginia Department of Transportation.

(7) No freestanding sign shall exceed a maximum sign area of 100 square feet or a height of 20 feet.

(8) Signs shall be limited to identifying or advertising the property, the individual enterprises, the products, services or the entertainment available on the same property where the sign is located.

(9) Service stations may be allowed one additional square foot of sign area on each gasoline pump for the sole purpose of identifying the specific product dispensed from that pump.

(10) Notwithstanding the provisions of this chapter, motor vehicle fuel price signs shall be permitted, and the sign area of such sign(s) shall not be computed in the maximum sign area permitted by this chapter.

(11) The following signs are permitted as accessory to an industrial park.

(a) One freestanding sign may be erected at each major entrance to an industrial park. Such sign(s) shall identify the name of the industrial park. No such sign shall exceed 40 square feet in area or 20 feet in height or be located closer than ten feet to any street line.

(b) One freestanding building identification sign may be permitted for each detached building which houses a principal use within an industrial park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed 30 square feet in area or eight feet in height or be located closer than ten feet to any lot line.

(c) One freestanding on-site directory sign may be permitted in close proximity to each major entrance of an industrial park. Such sign(s) shall be limited to

identifying and providing directional information to the individual enterprises located within the industrial park. No such sign shall exceed 20 square feet in area or eight feet in height or be located closer than ten feet to any street line.

(G) Uses in PRV Districts. The provisions set forth in the preceding divisions shall be applicable to signs accessory to uses in PRV Districts. However, in keeping with the intent to allow flexibility in the design of planned unit developments, the following options may be applicable to signs in the PRV Districts.

(1) As an alternative, signs may be permitted in a PRV District in accordance with a comprehensive plan of signage subject to the approval during the site plan review. The comprehensive plan of signage shall show the location, size, height and extent of all proposed signs within the PRV District or section thereof, as well as the nature of the information to be displayed on the signs.

(2) In addition, within a PRV District, a plan for off-site directional signs which identify commercial centers within the district may be approved by the Board of Supervisors. The plan for off-site signs shall show the location, size, height and extent of all signs encompassed within the plan as well as the nature of the information to be displayed on each sign.

(3) Any application submitted pursuant to subsections (1) or (2) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located. When such application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written statement signed by the record owners of such properties which indicates their endorsement of the application.

(4) The above-cited signage options shall be in accordance with the standards for all planned developments as set forth in § 154.177. All proposed signs shall be in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purpose of architectural and urban design elements.

### **§ 154.193 ADMINISTRATION.**

(A) Permit requirements.

(1) Except as otherwise provided herein, no sign shall be constructed, erected, relocated, or expanded unless a sign permit has been approved by the Zoning Administrator.

(2) Any sign erected under permit shall indicate in the lower right hand corner of the sign the number of the permit. The permit number shall be so affixed that it is legible from the

ground.

(B) Permit application. The application for a sign permit shall be filed with the Zoning Administrator on forms furnished by the county. The application shall contain the identification and address of the property on which the sign is to be erected; the name and address of the sign owner and of the sign erector, drawings showing the design, dimensions and location on the building/site of the sign; and such other pertinent information as the Zoning Administrator may require to ensure compliance with the provisions of this chapter and other applicable ordinances of the county. The application for a sign permit shall be accompanied by the required filing fee made payable to the County Treasurer.

(C) Expiration of a sign permit.

(1) A sign permit shall expire and become null and void if the sign is not erected within a period of 12 months from the date of the permit.

(2) In the event the sign is not erected within the 12 month period, an application for extension of an additional six month period may be made to the Zoning Administrator. Such an extension may be granted if the proposed sign is in accordance with current applicable regulations. If the proposed sign is not in accordance, the application for an extension shall be denied.

**§ 154.205 – 213 OFF-STREET PARKING AND LOADING**

**§ 154.205 INTENT.**

There shall be provided at the time of erection of any main building, or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrances and exits by standard-size automobiles, as follows in this subchapter.

**§ 154.206 SPACE ON SAME LOT AND ADJACENT LOTS.**

(A) General. All off-street parking space appurtenant to any residential use permitted in any residential district shall be provided on the same lot with the use of which it is appurtenant, except as qualified below.

(B) Approval of alternate location. All off-street parking spaces appurtenant to any use other than a residential use permitted in any residential district shall be provided on the same lot with the use of which it is appurtenant except where practical difficulties prevent such location or where the public safety or the public convenience would be better served by the location thereof other than on the same lot.

**§ 154.207 COOPERATIVE PARKING.**

(A) Approval by Zoning Administrator. Parking space required under the provisions of this chapter may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space, as such arrangements are approved by the Zoning Administrator.

(B) Reductions for certain combined uses. The amount of such combined space shall be equal to the sum of the amounts required for the separate uses; provided, that the Planning Commission may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization under the provisions of a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

**§ 154.208 SAFE AND CONVENIENT ACCESS REQUIRED.**

All off-street parking space and off-street loading space shall be provided with safe and convenient access to a street. All permitted uses requiring site plan approval shall have entrances constructed in accord with the specifications of the County Engineer and Virginia Department of Transportation and shall be approved by the county's Planning Director.

**§ 154.209 PARKING AREA DESIGN.**

(A) Type of construction. All off-street parking space, loading space, aisles and driveways, except those provided for single-family dwellings, shall be constructed and maintained with a dustless surface and of such type of construction that the same will be available for safe and convenient use at all times. It shall have appropriate safety barriers where needed as determined by the Administrator, and all off-street parking spaces shall be delineated on the site.

(B) Illumination.

(1) Any lights used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district and in a manner not to affect traffic on adjacent roads.

(2) Lighting of parking lots is mandatory.

(C) Design. All parking spaces will be so designed that no part of any vehicle will extend over any property line, right-of-way, walkway, driveway or aisle space.

(D) Landscaping. All parking lots, bays or areas shall be landscaped with low vegetation so as not to create a safety hazard. Where adjacent to residential districts, all lots shall be screened.

**§ 154.210 GENERAL REQUIREMENTS.**

Off-street parking spaces and lots shall meet the following general requirements.

(A) Same lot. Parking spaces for all residential uses shall be provided on the same lot with the use or structure to be served except as provided for in § 154.206.

(B) Off-site parking. Where it is impractical to provide all or part of the required off-street parking on the same lot or where the public safety or convenience would be better served by the location of required off-street parking other than on the site, alternative locations may be authorized by the Zoning Administrator subject to the following conditions.

(1) Maximum distances to off-site lots or spaces must be not more than 150 feet from two-family and multi-family attached dwelling units and not more than 500 feet from all other uses. Distances shall be measured by normal pedestrian routes.

(2) Approval will be subject to special conditions and safeguards called for in the circumstances of the case, to design and improvement standards applying to off-street parking areas, and to the requirement that such parking space shall be associated with the permitted use of the structure, not to be reduced or encroached upon in any manner.

(3) The required number of off-street parking spaces for any number of uses may be

combined in one lot, provided that each space is permanently available to the assigned use. The amount of space required may be reduced for a church or for a meeting place of a civic, fraternal or similar organization by reason of different hours of normal activity than those of other uses participating in the combination of required spaces.

(C) Large vehicles. Construction vehicles, trucks and trailers of a gross weight of more than 6,000 pounds shall not be parked in the areas between the front lot line and the setback line in any residential district.

(D) Reduction of parking space. Area reserved for off-street parking in accordance with this chapter shall not be reduced in area or changes made to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Zoning Administrator.

(E) Reduction of existing parking. Off-street parking existing at the effective date of the ordinance set forth in this chapter in connection with the operation of an existing use or structure shall not be reduced to an amount less than hereinafter required for a similar new use or structure.

#### **§ 154.211 SITE REQUIREMENTS.**

All off-street parking spaces, aisles and driveways, except those provided for one- and two-family dwellings, shall be constructed and maintained in accordance with the following requirements.

(A) Surfacing of parking lots. All such parking and drive areas shall be graveled or surfaced in some other manner to reduce erosion and to reduce the generation of mud and dust.

(B) Drainage. Parking areas shall be adequately drained.

(C) Guard devices. Parking lots shall have appropriate safety barriers where needed as determined by the Zoning Administrator.

(D) Markings. All off-street parking spaces with hard surfaces and in excess of ten shall be delineated on the site.

(E) Lighting. Lighting used to illuminate parking areas shall be arranged so that light is reflected away from adjacent properties and in a manner not to affect traffic on adjacent roads.

(F) Design. All parking spaces shall be designed so that no part of any vehicle extends over any property line, right-of-way, walkway, driveway or aisle space.

(G) Landscaping. All off-street parking lots and areas shall be landscaped as provided in § 154.105.

(H) General standards. Any off-street parking space shall have minimum dimensions of 9 by 20 feet, provided that minimum dimensions for parallel parking spaces shall be 9 by 22 feet. Each space shall be unobstructed, shall have access to a street and shall be so arranged that any automobile may be moved without moving another, except in the case of parking for one- and two-family dwellings and in the case of parking for employees on the premises. In addition:

(1) Minimum aisle widths required for parking areas shall be according to the following table.

Parking Angle (in degrees)	Aisle Width(in feet)
0-44	NA
45-59	13.5
60-69	18.5
70-79	19.5
80-89	21
90	22

(2) For each 25 off-street parking spaces, there shall be one off-street parking space for one handicapped person. Parking spaces for handicapped persons shall have a minimum dimension of 12 by 20 feet and shall be clearly marked "Handicapped Parking Only."

**§ 154.212 OFF-STREET LOADING.**

(A) Requirements. Off-street loading facilities shall be provided on the premises of any use hereafter established or enlarged, and occupying more than 3,000 square feet of lot area which, during the course of a normal operating day, customarily receives or distributes goods or materials by trucks more than 20 feet in overall length. One such space shall be provided if the land devoted to such establishment or use has an area of more than 3,000 but less than 20,000 square feet and one additional space shall be provided for each additional 20,000 square feet of land area or remaining fraction thereof exceeding 10,000 square feet.

(B) Specifications. Loading spaces shall be 12 feet by 45 feet with minimum height clearance of 14 feet both for the space and for access ways and maneuvering areas related to it, provided that upon clear demonstration to the Zoning Administrator that loading spaces of lesser dimensions will satisfy the requirements or the use involved, he may permit loading spaces of such lesser dimensions as he may specify as appropriate in the particular case.

(1) All loading space and related access areas shall be graded, improved and maintained in a manner permitting safe and convenient use under normal weather conditions and so as to avoid adverse effects on neighboring property as a result of dust or drainage.

(2) No required loading space shall be in a required setback area when adjacent to a public street.

(3) All loading spaces shall be marked as a "loading space."

**§ 154.213 MINIMUM PARKING REQUIRED FOR CERTAIN USES.**

The following spaces shall be required.

(1) Animal hospitals and commercial kennels. One space per 400 square feet of gross floor area plus one per each employee.

(2) Automobile service stations. One space per each service stall. In addition, when accessory activities such as the rental of automobiles, trucks and trailers of all types are involved on site there shall be provided suitable area to accommodate the highest number of rental units expected at any one time.

(3) Banks. One parking space for each 150 square feet of gross floor area.

(4) Barber shops, beauty shops, health spas and centers. One space per 200 square feet of gross floor area plus one space per employee.

(5) Bowling alleys. Six spaces per alley.

(6) Car washes. Parking to accommodate employees plus a reservoir of three times the maximum capacity of the car wash.

(7) Carry-out/fast food restaurants. 13 spaces per each 1,000 square feet of gross floor area.

(8) Cartage and express facilities. One space per each three employees plus one space per each vehicle maintained.

(9) Churches, high schools, stadiums, auditoriums and similar places of assembly. One space for each four seats.

(10) Commercial and private heliports. One space per each 1,000 square feet of operational area.

(11) Commercial skating rink. One space for each 125 square feet or fraction thereof of skating rink area.

(12) Contractors or construction shops, offices and yards. One space per each 1,000 square feet of operational area.

- (13) Dance halls. One space per each 100 square feet of gross floor area.
- (14) Drive-in restaurants. 18 spaces per each 1,000 square feet of gross floor area.
- (15) Food or chain stores. Five spaces per each 1,000 square feet of gross floor area.
- (16) Funeral homes. One space per each 50 square feet area in assembly rooms or chapels.
- (17) Furniture stores. Two spaces for the first 1,000 square feet plus one additional space for each 400 square feet of floor area over 1,000 square feet of retail area.
- (18) Greenhouses and nurseries. Enclosed retail area, one per each 100 square feet of retail sales area for the first 5,000 square feet and one space for each 200 square feet of retail sales area above 5,000 square feet of retail area.
- (19) Hospitals, nursing, convalescent homes. One space for each two beds, including cradles, children's beds.
- (20) Industrial uses. Those uses permitted in the Industrial Districts shall have at least one off-street parking space for each two employees on the maximum work shift.
- (21) Laundromats. One parking space for each two washing machines.
- (22) Medical and dental clinics. One space for each 100 square feet of floor area.
- (23) Mobile homes. Two spaces per unit.
- (24) Office buildings. One space for each 200 square feet of net office floor area.
- (25) Printing and publishing facilities. One space per each two employees with a minimum of two customer parking spaces.
- (26) Production or processing of materials, goods or products. One space per each two employees with a minimum of two customer parking spaces.
- (27) Shopping centers. There shall be provided 3.0 parking spaces per 1,000 square feet of gross leasable area for neighborhood and community shopping centers and 5.5 parking spaces per 1,000 square feet of gross leasable area for regional shopping centers.
- (28) Single-family dwellings. Two spaces per unit.
- (29) Sit-down restaurants. 13 spaces per each 1,000 square feet of gross floor area.
- (30) Testing, repairing, cleaning, servicing of materials, goods and products. One space per each two employees with a minimum of two customer parking spaces.

(31) Theater, drive-in. To be determined by the planning staff after review of site plans.

(32) Theater, indoors; theater, outdoors. One space per each four seats.

(33) Tourist homes, motels, hotels and boarding houses. One space for each accommodation.

(34) Town houses, patio houses, duplexes and other multi-family residential. Two spaces per unit.

(35) Trailer sales and rental, boat showrooms and model home sales. One space per each 3,000 square feet of business area.

(36) Warehousing and wholesaling operations. One space per each three employees with a minimum of two customer parking spaces.

(37) Other permitted uses. A total number of spaces sufficient to accommodate the vehicles of all employees of the establishment plus those of all persons who may be expected to visit the same at any time or as determined by the Director of Planning and Zoning.

(38) Other retail establishments not listed herein. Three spaces per each 1,000 square feet of retail sales area.

**§ 154.225 – 230 BOARD OF ZONING APPEALS**

**§ 154.225 COMPOSITION OF BOARD.**

A Board of Zoning Appeals consisting of five members who are residents of the county shall be appointed by the Circuit Court of Northampton County, Virginia. The term of office of the members of the Board of Zoning Appeals shall be for five years except that the original appointments shall have been made for such terms so that the term of one member shall expire each year. One member of the Board of Zoning Appeals may be a member of the Planning Commission; however, no other member shall hold any public office. Members of the Board of Zoning Appeals may receive such compensation as may be authorized by the Board of Supervisors.

(1) Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term.

(2) A member whose term expires shall continue to serve until the successor is appointed and qualified.

(3) Members may be removed for cause as provided in VA Code § 15.2-2308.

**§ 154.226 APPLICATION FOR VARIANCE.**

(A) An application for a variance may be made by any property owner, tenant, governmental official, department head, board or bureau. Such application shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans and other information shall be transmitted promptly to the Secretary of the Board of Zoning Appeals, who shall place the matter on the docket to be acted upon by the Board.

(B) No such variance shall be authorized except after notice and public hearing as required by VA Code § 15.2-2204. The Zoning Administrator shall also transmit a copy of the application to the Joint Local Planning Commission which may send a recommendation to the Board or appear as a party at the hearing.

**§ 154.227 PROCEDURES.**

The Board of Zoning Appeals shall follow the procedures as provided in VA Code § 15.2-2308.

(A) Rules. The Board of Zoning Appeals shall adopt rules as it may deem necessary to carry out the duties imposed by this chapter, such rules being in accordance with the provisions of this chapter and other ordinances of the county, town and general laws of the Commonwealth of

Virginia.

(B) Officers. The Board of Zoning Appeals shall elect annually a Chairperson and Vice-Chairperson from its own membership. The Board may elect as its Secretary either one of its own members or a qualified individual who is not a member of the Board; provided however, that a Secretary who is not a member of the Board may not vote on matters before the Board. The Chairperson may administer oaths and compel the attendance of witnesses. The Vice-Chairperson shall act in the absence of the Chairperson.

(C) Meetings. The meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson and at such other time as a quorum of the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public.

(D) Records. The Board of Zoning Appeals shall keep a full public record of its proceedings, showing the vote or failure to vote of each member on each question and shall submit a report to the Board of Supervisors at least once a year.

(E) Quorum for conducting business. A quorum for conducting business shall be not less than a majority of all the members of the Board.

#### **§ 154.228 POWERS AND DUTIES.**

The powers and duties of the Board of Zoning Appeals shall be the following, as provided by VA Code § 15.2-2309.

(A) Administrative review. The Board of Zoning Appeals shall hear and decide appeals from any decision, order, requirement or determination of the Zoning Administrator or any other administrative official in the administration or enforcement of this chapter.

(B) Variances.

(1) The Zoning Administrator may grant upon appeal or original application a variance from any building setback requirement only as provided for under VA Code § 152.2-2286. Prior to the granting of a variance, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for variance and an opportunity to respond to the request within 21 days of the date of the notice. If any adjoining property owner objects to said request in writing within the specified time, the request shall be transferred to the Board of Zoning Appeals for decision.

(2) The Board of Zoning Appeals may grant upon appeal or original application in specific cases such variance from the terms of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done. In authorizing a variance, the Board of Zoning Appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as

it may deem necessary in the public interest and may require a guarantee or bond to insure that conditions imposed are being and will continue to be complied with. No variance shall be granted until the Board of Zoning Appeals has held a public hearing and given public notice in accordance with VA Code § 15.2-2204. Pursuant to VA Code § 15.2-2308, no variance shall be granted until the Board of Zoning Appeals finds and is satisfied that:

(a) The property owner acquired his property in good faith but by reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property at the effective date of this chapter; by reason of exceptional topographic conditions; or by reason of other extraordinary situations or conditions of such piece of property or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property, or there exists a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant;

(b) That the strict application of this chapter would produce undue hardship;

(c) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(d) That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;

(e) That the condition of the situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

(C) Interpretation of district boundaries. The Board of Zoning Appeals may hear and decide applications for interpretation of the district boundaries where there is any uncertainty as to the location of the district boundary. The Board of Zoning Appeals shall interpret the map in such ways as to carry out the intent and purpose of this chapter for the particular district in question; however, it shall not have the power to change substantially the locations of district boundaries as established by ordinance.

#### **§ 154.229 APPEALS TO BOARD.**

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of Northampton County affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days after the decision appealed from, and in case of an appeal from a notice of violation by the Zoning Administrator, or a written order from the Zoning Administrator, shall be taken within 30 days of receipt of such order or notice and shall follow this procedure.

(A) Filing of application.

(1) Applications specifying the grounds for appeal shall be filed with the Secretary of the Board of Zoning Appeals who shall refer the application to the Board of Zoning Appeals and to the Zoning Administrator.

(2) The Zoning Administrator shall transmit to the Board of Zoning Appeals all the paper constituting the record upon which the action appealed from was taken.

(B) Fee. Each application for an appeal shall be accompanied by payment of a fee to be determined by the Board of Supervisors to help defray the cost of publicizing and conducting the public hearing.

(C) Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certification a stay would in his opinion cause imminent peril of life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Zoning Appeals or by a Court of Record, on application and notice to the Zoning Administrator and for good cause shown.

(D) Public hearing. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals or other matters referred to said Board. After notice and public hearing as required by VA Code § 15.2-2204, the Board of Zoning Appeals shall decide the matter within 60 days from the date of such public hearing.

(E) Decision of Board of Zoning Appeals. In exercising its powers, the Board of Zoning Appeals may in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the decision, order, requirements or determination of the Zoning Administrator.

#### **§ 154.230 APPEALS FROM BOARD.**

Any person or persons, taxpayer, officer, department, board or bureau of Northampton County jointly or severally aggrieved by any decision of the Board of Zoning Appeals may present to the Circuit Court of Northampton County a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

(A) Certiorari. Upon presentation of such petition, the court shall allow a "writ of certiorari" and shall prescribe therein the term within which a return thereto must be made and served upon the appellant's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice of the Board of Zoning Appeals, and due cause shown, grant a restraining order.

(B) Return of certified copies.

(1) The Board of Zoning Appeals shall not be required to return the original papers

acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ.

(2) The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(C) Testimony. If upon hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(D) Decision of court. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

**§ 154.245 – 250, 998 – 999 NONCONFORMING USES AND VESTED RIGHTS POLICY**

**§ 154.245 INTENT.**

Some existing lots, uses, structures or combinations of uses and structures will not meet the requirements set out by this chapter for zoning districts. These nonconformities are declared by this chapter to be incompatible with the requirements of the zoning districts in which they are located. It is the intent of this chapter to permit nonconformities to continue until they are removed or discontinued by their owners but not to permit their use as a grounds for changing their zoning designation or as grounds for changing other nearby zoning designations.

**§ 154.246 NONCONFORMING USES, LOTS OR BUILDINGS.**

(A) Uses. At the time of enactment of this chapter, if there is any legal activity which is being pursued, or any lot or structure being legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as herein provided.

(B) Lots of record. At the time of enactment of this chapter, if there is an unimproved legal lot or parcel of record which does not meet the minimum lot area requirement within a district, then said lot or parcel of record may be used as a building site, provided the use proposed is a permitted use as established by this chapter, and provided further that the requirements for minimum setbacks can be met. Variances of yard requirements must be decided upon by the Zoning Administrator or the Board of Zoning Appeals in accordance with this subchapter.

(C) Structures. Where a lawful structure exists at the time of enactment of this chapter that could not be built in the district in which it is located under the terms of this chapter by reason of restrictions on area, lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(1) No nonconforming structure may be enlarged by more than 25% of its existing square footage (with written approval of the Zoning Administrator) or altered in any other way which increases its nonconformity; however, any structure or portion thereof may be altered to decrease its nonconformity.

(2) Should a nonconforming structure be moved for any reason for any distance it shall thereafter conform to the regulations pertaining to the zoning district in which it is located.

(3) Should a nonconforming structure, portion of the nonconforming structure, or nonconforming portion of a structure be damaged or destroyed by any means, the structure or portion thereof may be re-constructed or restored provided its degree of nonconformity is not

increased beyond that which existed just prior to such damage. If the provisions of this section cannot be met, the owner or owners of the structure may apply for a variance from the Board of Zoning Appeals.

**§ 154.247 NONCONFORMITY IN GENERAL.**

- (A) If there is any change in title or renewal of a lease of any nonconforming lot or structure access, the existing use may continue.
- (B) If any nonconforming use, structure or activity is discontinued for a period exceeding two years after enactment of the ordinance set forth in this chapter, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this chapter.
- (C) Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such existing use may be changed to an even more limited use.
- (D) Temporary seasonal nonconforming uses that have been in continual operation for a period of one year or more prior to the effective date of the ordinance may continue to operate as nonconforming uses.
- (E) All nonconforming uses shall be issued a certificate of occupancy within 12 months after the adoption of the ordinance set forth in this chapter.
- (F) Whenever the boundaries of a district are changed, any use of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this subchapter.

**§ 154.248 REPAIRS AND MAINTENANCE.**

On any building devoted in whole or in part of any nonconforming use, work may be done on ordinary repairs on or repair or replacement of non- load-bearing walls, fixtures, wiring or plumbing to such extent that the structure is kept in a usable condition. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared necessary for safety upon order of the Northampton County Building Official.

**§ 154.249 PROVISIONS FOR SPECIAL USES.**

Any use of a structure which exists at the time of enactment of this chapter which is permitted in the district in which it is located as a special use shall not be deemed a nonconforming use or structure, but shall, without further action by the county, be considered a conforming use. However, such a use or structure shall be subject to the requirements of this chapter as a "special use" when expansion, enlargement or modification is proposed.

**§ 154.250 VESTED RIGHTS POLICY.**

(A) Vested right policy as adopted by the Northampton County Board of Supervisors, October 9, 1990. While Northampton County recognizes that “any determination of vested rights of a landowner depends upon the facts of each particular case” (Attorney General's Letter to Dicks 10/19/89), generally, the determination of such vested rights requires two elements:

(1) Government approval of zoning designations or special use permits relevant to a specific project; and

(2) Incurrence of substantial expense on the part of the developer in good faith reliance on such approvals.

(B) Therefore, it shall be the policy of Northampton County to consider vested the rights of a landowner who has obtained:

(1) A valid building permit and completed construction within the time specified in the permit; or

(2) A final site plan approved as required by §§ 154.040 et seq. subject to performance within the limits of that site plan.

**§ 154.998 VIOLATIONS.**

If the Zoning Administrator finds that any of the provisions of this chapter are being violated, he shall, after investigation, notify by certified mail the person responsible for such violation, indicating the nature of the violation and ordering the violation corrected within a reasonable period of time, as determined by the Zoning Administrator and may take any action authorized by law to insure compliance with or prevent further violation of the provisions of this chapter. The Zoning Administrator may grant an extension of the time if he deems such extension justified in the circumstances of the case and such extension will not, in his opinion, cause substantial peril of life, health, or property.

**§ 154.999 PENALTY.**

In accordance with VA Code § 15.2-2286(A)(5), any person, firm or corporation, whether as principal agent, employee or otherwise, violating or causing or permitting the violation of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than

\$10 nor more than \$1,000, and such failure during any succeeding 30 day period shall constitute a separate misdemeanor offense for each 30 day period punishable by a fine of not less than \$10 nor more than \$1,000.

APPENDICES

APPENDIX A: USE REGULATIONS

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
<b>CATEGORY 1: AGRICULTURAL USES</b>											
Agriculture research facility	–	R	R	–	–	–	S	S	–	–	R
Agritourism activities	–	R	–	–	–	–	–	–	–	–	–
Aquaculture, fish production in existing ponds*	S	R	R	R	–	S	S	S	S	S	S
Aquaculture, fish production in tanks*	–	R	R	S	–	S	S	–	S	S	S
Aquaculture, shellfish seed production*	R/ W	R	S	–	–	S	–	–	–	–	R
Dairy farm	S	R	S	S	–	–	S	S	–	–	S
Forestry	R	R	R	R	R	R	R	R	R	R	R
Grain/soybean production	R	R	R	R	R	R	R	R	R	R	R
Grain storage facility, commercial	–	S	S	–	–	S	–	–	–	R	R
Grain storage facility, private	–	R	R	R	R	R	S	–	–	R	R
Greenhouse sales, retail with outdoor storage	–	R	S	–	–	R	–	–	S	R	R
Greenhouse sales, wholesale with outdoor storage	–	R	S	–	–	R	–	–	–	R	R
Hog production	S	R	S	S	–	–	S	S	–	–	S
Horse boarding/training, commercial*	S	R	S	–	–	–	–	–	–	–	S
Horse barn/training, private*	S	R	S	S	–	–	S	S	–	–	S
Irrigation pond, excavated/impounded	S	Z	S	S	–	–	S	S	–	–	S
Irrigation well (over 300,000 gal per month)	–	R	S	S	S	–	S	S	–	–	S
Livestock production	S	R	S	S	–	–	S	S	–	–	S

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Migrant agricultural worker housing (12 or more)	–	R	S	S	–	S	S	S	S	S	S
Orchard/vineyard	R	R	R	R	R	R	R	R	R	R	R
Ornamental plant nursery with greenhouses	S	R	R	S	S	R	S	S	S	S	R
Packing shed, commercial	–	R	S	–	–	S	–	–	–	R	R
Packing shed, private on farm	–	R	R	S	S	S	S	–	–	R	R
Poultry farm or chicken house	S	R	S	S	–	–	S	S	–	–	S
Produce sales from mobile unit, owner’s production	–	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Produce stand, off-premises production	–	S	S	–	Z	R	–	–	R	R	R
Produce stand, owner’s production (seasonal)	–	R	R	R	R	R	R	–	S	S	S
Sale of agricultural products from a farm market	–	S	–	–	–	–	–	–	–	–	–
Vegetable production	R	R	R	R	R	R	R	R	R	R	R
Winery	–	R	R	–	–	R	–	–	–	R	R
Wildlife impoundment ponds	R	R	R	R	R	RR	R	R	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
<b>CATEGORY 2: COMMERCIAL USES</b>											
Aerobic studios	-	-	S	S	S	R	S	-	R	R	-
Antique shops, enclosed	-	-	S	S	S	R	S	-	R	R	-
Appliance repair	-	-	-	-	S	R	-	-	R	R	R
Auction markets, enclosed	-	-	-	-	S	S	-	-	S	R	R
Auto body/auto painting shops	-	-	-	-	-	S	-	-	S	R	R
Auto repair garage	-	-	-	-	-	R	-	-	R	R	R
Auto service stations	-	-	-	-	-	R	-	-	R	R	R
Banks/financial institutions	-	-	-	-	-	R	-	-	R	R	R
Barber/beauty shops (not as a home)	-	-	-	-	-	R	-	-	R	R	R
Bed and breakfast inns	-	S	S	S	S	R	S	-	R	R	-
Beverage distribution, wholesale and dry mixes	-	-	-	-	-	S	-	-	-	S	R
Bowling alley	-	-	-	-	-	S	-	-	R	R	S
Broadcasting studio, radio/TV	-	-	-	-	-	S	-	-	S	R	R
Building material sales with outside storage	-	-	-	-	-	S	-	-	S	R	R
Carpet and rug cleaning	-	-	-	-	-	-	-	-	-	R	R
Car wash	-	-	-	-	-	S	-	-	R	R	R
Dance halls*	-	-	-	-	-	S	-	-	S	S	-
Dance/music studios, instructional	-	-	-	-	-	S	-	-	R	R	--
Dry cleaning/laundry	-	-	-	-	-	R	-	-	R	R	R
Electrical repair shop	-	-	-	-	-	R	-	-	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Flea markets, permanent	-	-	-	-	-	S	-	-	S	R	R
Funeral homes	-	-	-	S	S	S	S	-	S	R	R
Furniture repair/cabinet making/carpentry	-	-	-	-	-	R	-	-	R	T	T
Game center, coin operated	-	-	-	-	-	S	-	-	S	R	S
Go-kart tracks	-	-	-	-	-	-	-	-	-	S	S
Health club/spa	-	-	-	-	S	R	-	-	R	R	R
Home occupation - Home Business	-	Z	S	S	R	R	S	S	R	R	-
Home occupation - Home Office	-	Z	Z	Z	R	R	Z	Z	R	R	-
Kennels and boarding of animals	-	R	S	S	-	S	-	-	S	S	R
Laundromat	-	-	-	-	S	S	-	-	S	S	-
Livestock exchange	-	-	-	-	-	-	-	-	-	S	R
Memorial burial parks, commercial or nonprofit operation (not part of a church yard)	-	S	S	S	-	-	S	-	-	-	-
Miniature golf	-	-	-	-	-	S	-	-	S	R	S
Mini-storage facilities	-	-	-	-	-	S	-	-	-	R	R
Mobile home sales, rental and service	-	-	-	-	-	-	-	-	-	R	R
Motels and hotels, 10 or more rooms	-	-	S	-	-	S	-	-	R	R	R
Newsstand, outdoor	-	-	-	-	S	S	-	-	S	R	S
Nursery/daycare of preschool children (6 or less)	-	R	R	S	R	R	S	S	R	R	S
Nursery/daycare of preschool children (7 or more)	-	S	S	S	S	R	S	S	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Nursing homes/retirement facility	-	-	S	S	S	R	-	-	S	R	-
Office, business	-	-	-	-	S	R	-	-	R	R	R
Office, professional	-	-	-	-	S	R	S	-	R	R	R
Petroleum product bulk storage for wholesale	-	-	-	-	-	-	-	-	-	S	S
Photographic studio	-	-	-	-	-	R	-	-	R	R	R
Plumbing repair shop	-	-	-	-	-	R	-	-	R	R	R
Pool/billiard room*	-	-	-	-	-	S	-	-	S	R	R
Restaurant, less than 2,500 sq. ft., no drive thru service	-	-	-	-	S	R	-	-	R	R	R
Restaurant, any with outdoor seating	-	-	-	-	-	S	-	-	S	S	S
Retail establishments, less than 2,500 sq. ft.	-	-	-	-	-	R	-	-	R	R	S
Retail establishments, 2,500 to 5,000 sq. ft.	-	-	-	-	-	S	-	-	R	R	S
Retail establishments, more than 5,000 sq. ft.	-	-	-	-	-	-	-	-	S	R	S
Rural business	-	S	S	S	S	R	S	-	R	R	-
Schools of special instruction	-	-	-	-	S	R	-	-	R	R	S
Shopping centers, less than 50,000 sq. ft.	-	-	-	-	-	-	-	-	R	R	S
Shopping centers, more than 50,000 sq. ft.	-	-	-	-	-	-	-	-	-	R	S
Skating rink, ice/roller	-	-	-	-	-	S	-	-	S	R	S
Stone monument processing	-	-	-	-	-	-	-	-	-	S	R
Subdivision sales/rental office, on-site at an approved subdivision	-	-	Z	Z	Z	Z	Z	Z	R	R	-
Taxidermy shop	-	-	-	-	-	R	-	-	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Temporary, seasonal sales – Christmas trees, seafood, etc.	–	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Theater, indoor*	–	–	–	–	–	S	–	–	S	R	S
Truck stop/freight terminal	–	–	–	–	–	–	–	–	–	R	R
Vehicle/equipment dealership with sales, service and rentals	–	–	–	–	–	–	–	–	–	R	R
Vehicle rental agency	–	–	–	–	–	R	–	–	R	R	R
Veterinary clinics	–	S	S	S	–	R	S	–	R	R	R
Warehousing, including moving and storage	–	–	–	–	–	–	–	–	–	R	R
Wholesale establishments with sales	–	–	–	–	–	–	–	–	–	R	R
Yard/garage sales, temporary 3 days or less	–	R	R	R	R	R	R	R	R	R	R
Yard/garage sales, more than 3 days	–	Z	Z	Z	Z	R	Z	Z	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
<b>CATEGORY 3: COMMUNITY SERVICE USES</b>											
Adult day care for up to 6 persons	-	S	-	-	-	-	-	-	-	-	-
Airport or heliport, public or commercial	-	S	-	-	-	-	-	-	-	-	S
Airstrip, private	-	S	-	-	-	-	-	-	-	-	S
Animal shelter, nonprofit operation	-	S	-	-	-	R	-	-	S	R	R
Bus or rail passenger terminals	-	-	-	-	S	R	-	-	R	R	R
Churches/places of worship (with on-site cemetery)	-	R	R	R	S	R	R	-	R	R	S
Colleges/universities	-	S	S	S	S	S	S	-	S	S	S
Electrical transmission lines	S	S	S	S	S	S	S	S	S	S	S
Helipad, private	-	S	S	-	-	-	-	-	-	-	R
Hospitals	-	S	S	S	S	R	S	-	S	R	S
Jails, public operation	-	S	-	-	-	S	-	-	-	S	S
Jails, private operation	-	-	-	-	-	-	-	-	-	-	S
Library	-	-	-	-	S	R	-	-	R	R	S
Mass/community subsurface drainfield	-	S	S	S	S	S	S	S	S	S	S
Medical clinics	-	-	S	-	S	R	-	-	R	R	S
Meeting facilities for social, fraternal, civic and similar organizations	-	-	S	S	S	R	S	-	R	R	S
Museums, public or private	-	-	S	S	S	R	S	-	R	R	S
Nursery/daycare of preschool children (6 or less)	-	R	R	S	R	R	S	S	R	R	R
Nursery/daycare of preschool children (7 or more)	-	S	S	S	S	R	S	S	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Post offices	–	S	S	S	S	R	S	S	R	R	R
Public facilities – police, fire, rescue stations, including government offices	S	S	S	S	S	S	S	S	S	S	S
Public utility, Class A; see definition	R	R	R	R	R	R	R	R	R	R	R
Public utility, Class B: see definition	S	S	S	S	S	S	S	S	S	S	S
Recreational or social uses within a subdivision for use of residents only	–	Z	Z	Z	Z	R	Z	Z	R	R	–
Recreational or social events by a non-profit organization, temporary	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Residential care facilities (for medical/mental patients)	–	S	S	S	S	R	S	S	R	R	S
Sanitary landfill, public (local government operated)	–	S	–	–	–	–	–	–	–	–	S
Sewage treatment facilities (including land application)	–	S	–	–	S	–	–	–	–	–	S
Schools, primary or secondary, public or private	–	S	S	S	S	–	S	S	–	–	–
Social club, private	–	–	S	S	S	R	S	–	S	R	R
Solid waste dumpster site	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Solid waste transfer station	–	–	–	–	S	S	–	–	–	S	R
Telecommunication facilities – radio, TV, microwave, cellular telephone antennas & towers	–	S	S	S	S	S	S	S	S	S	S
Telephone exchange, unmanned	–	S	S	S	S	S	S	S	S	S	S

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
<b>CATEGORY 4: INDUSTRIAL USES</b>											
Any industrial use which exceeds 50,000 gallons in any one day or 300,000 in any consecutive 30 day period	-	-	-	-	-	-	-	-	-	S	S
Any industrial use which, in the opinion of the Zoning Administrator, might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or	--	-	-	-	-	-	-	-	-	S	S
Advertising and bulk mailing services	-	-	-	-	-	S	-	-	-	R	R
Asphalt or bituminous mixing plant	-	-	-	-	-	-	-	-	-	S	R
Automobile/farm equipment/truck assembly	-	-	-	-	-	-	-	-	-	-	R
Bakeries, wholesale	-	-	-	-	-	-	-	-	-	-	R
Barrel/box/bag manufacturing	-	-	-	-	-	-	-	-	-	-	R
Boat building and repair (with railway)*	S/ W	S/ W	-	-	-	S	-	-	-	S	R
Boiler works	-	-	-	-	-	-	-	-	-	-	R
Borrow pit	-	S	-	-	-	-	-	-	-	-	S
Boiling plant for beverages	-	-	-	-	-	-	-	-	-	S	R
Brick/tile/terra cotta manufacturing	-	-	-	-	-	-	-	-	-	-	R
Building component manufacturing	-	-	-	-	-	-	-	-	-	S	R
Concrete/concrete products manufacturing	-	-	-	-	-	-	-	-	-	-	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development					
			RR	R	RM	C	R1	RM	CN	CG	M1	
Contractor office/shop with material storage enclosed or outdoors with opaque screening	-	-	-	-	-	-	-	-	-	-	-	R
Contractor office/shop with material storage outdoors, unscreened	-	-	-	-	-	-	-	-	-	-	S	R
Cotton gins	-	S	-	-	-	-	-	-	-	-	S	R
Drafting equipment manufacture and distribution	-	-	-	-	-	-	-	-	-	-	S	R
Drop-forge industry	-	-	-	-	-	-	-	-	-	-	-	R
Electronic components manufacturing (excluding transformers)	-	-	-	-	-	-	-	-	-	-	R	R
Electronic appliance assembly	-	-	-	-	-	-	-	-	-	-	S	R
Ethanol production	-	S	-	-	-	-	-	-	-	-	-	R
Farm equipment sales and service	-	-	-	-	-	S	-	-	-	-	R	R
Fertilizer manufacturing	-	-	-	-	-	-	-	-	-	-	-	S
Fertilizer/pesticide bulk storage for wholesale	-	-	-	-	-	-	-	-	-	-	S	R
Furniture manufacturing	-	-	-	-	-	-	-	-	-	-	-	R
Glass product manufacturing and distribution	-	-	-	-	-	-	-	-	-	-	S	R
Grain storage facility, high-volume industrial	-	-	-	-	-	-	-	-	-	-	S	R
Heavy equipment sale and service	-	-	-	-	-	-	-	-	-	-	R	R
Incinerators for non-hazardous waste	-	-	-	-	-	-	-	-	-	-	-	S
Jewelry and silver and manufacture and	-	-	-	-	-	-	-	-	-	-	S	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Labs and test facilities for manufacturing, enclosed	-	-	-	-	-	-	-	-	-	S	R
Machine shops, tool and die operations	-	-	-	-	-	-	-	-	-	S	R
Medical/surgical instrument	-	-	-	-	-	-	-	-	-	S	R
Metal fabrication and welding operations	-	-	-	-	-	-	-	-	-	S	R
Modular construction unit manufacture and	-	-	-	-	-	-	-	S	-	-	R
Musical instrument manufacture and distribution	-	-	-	-	-	-	-	-	-	S	R
Optical equipment manufacture	-	-	-	-	-	-	-	-	-	S	R
Pallet manufacture and repair facilities	-	-	-	-	-	-	-	-	-	-	R
Peanut dryer	-	S	-	-	-	-	-	-	-	S	R
Petroleum product bulk storage for wholesale*	-	-	-	-	-	-	-	-	-	S	S
Pharmaceutical manufacturing laboratories	-	-	-	-	-	-	-	-	-	S	R
Plaster products manufactured for previously prepared raw materials	-	-	-	-	-	-	-	-	-	-	R
Plastic product manufacture	-	-	-	-	-	-	-	-	-	S	S
Pottery and figurine manufacture	-	-	-	-	-	S	-	-	-	S	R
Prefabrication of wooden buildings	-	-	-	-	-	-	-	-	-	S	R
Printing, lithography or publishing establishments	-	-	-	-	-	-	-	-	S	R	R
Processing/storage of bulk agricultural products	-	S	-	-	-	-	-	-	-	S	R
Processing/storage of seafood products	-	S	-	-	-	-	-	-	-	S	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Railroad passenger stations	-	-	-	-	-	S	-	-	-	R	R
Railroad freight terminals	-	-	-	-	-	-	-	-	-	S	R
Reclamation of soil or water, temporary, on-site	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Recreational vehicle manufacture	-	-	-	-	-	-	-	-	-	-	R
Recycling collection site	R	R	R	R	R	R	R	R	R	R	R
Recycling of plastic, glass or aluminum	-	-	-	-	-	-	-	-	-	-	R
Recycling receiving/transfer facilities for plastic, glass, cans, paper, household waste	-	-	-	-	-	S	-	-	S	R	R
Recycling of tires or paper	-	-	-	-	-	-	-	-	-	-	S
Research and testing laboratories	-	-	-	-	-	-	-	-	-	S	R
Sawmill/kiln/planning facility	-	S	-	-	-	-	-	-	-	-	R
Soap manufacturing	-	-	-	-	-	-	-	-	-	-	R
Soybean crush mills for oil and meal production	-	-	-	-	-	-	-	-	-	-	R
Stockyards (with no slaughter)	-	-	-	-	-	-	-	-	-	-	S
Tire manufacture and recapping	-	-	-	-	-	-	-	-	-	-	R
Vinegar manufacturing	-	-	-	-	-	-	-	-	-	-	R
Vehicle junkyard/graveyard with parts recycling/sales	-	-	-	-	-	-	-	-	-	-	S
Vocational, technical and industrial trade schools	-	-	-	-	-	-	-	-	S	R	R
Wood, cloth or fiber product manufacture	-	-	-	-	-	-	-	-	-	S	S
Wood splitting and packing	-	S	-	-	-	-	-	-	-	-	-

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
<b>CATEGORY 5: MARINE-RELATED USES</b>											
Aquaculture, fish production in existing ponds*	S	R	R	R	S	S	S	S	S	S	S
Aquaculture, fish production tanks*	–	R	R	S	S	S	S	S	S	S	S
Aquaculture, shellfish seed production	R/ W	R	S	–	–	S	–	–	–	–	R
Beaches, public	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W
Boat ramp for recreational boats, public/commercial*	S/ W	S/ W	S/ W	S/ W	S/ W	S/ W	S/ W	S/ W	S/ W	S/ W	S/W
Boat ramps for recreational boats, private	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W
Boat building and repair (with railway)*	S/ W	S/ W	–	–	–	S	–	–	–	S	R
Boat sales/service/rental	–	–	–	–	–	R	–	–	–	R	R
Clam packing houses (with no processing)	R/ W	R	–	–	–	R	–	–	–	R	R
Crab shedding, enclosed	R/ W	R	R	S	S	R	S	–	S	R	R
Crab shedding, not enclosed	R/ W	R	S	–	–	S	–	–	–	S	R
Crab picking houses	S/ W	S	–	–	–	S	–	–	–	S	R
Docks, private recreational	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W
Dredge spoil disposal site	S/ W	S/ W	S/ W	–	–	–	–	–	–	–	S/W
Erosion and stormwater control devices	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Fish packing houses (with no processing)	R/ W	R	–	–	–	S	–	–	–	S	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV/ CD	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Hunting blinds*	R	R	R	R	R	R	R	R	R	R	R
Landing site for finfish, shellfish, crabs- private	R/ W	R	R	R	R	R	R	R	R	R	R
Landing site for finfish, shellfish, crabs- commercial	S/ W	S	-	-	-	R	-	-	S	R	R
Marina, less than 50 slips, public or commercial*	-	-	S/ W	S/W	S/ W	S/ W	R/ W	R/ W	R/ W	R/ W	R/ W
Marina, 50 slips or more, public or commercial*	-	-	-	-	-	-	S/ W	S/ W	S/ W	S/ W	S/W
Navigation aids	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Oyster shucking houses (with no processing)	R/ W	R	-	-	-	R	-	-	-	R	R
Pot production for crab or eel pots, private	-	R	S	S	-	S	S	-	R	R	R
Pot production for crab or eel pots, commercial	-	S	-	-	-	R	-	-	S	R	R
Potting for crabs, eels	R	R	R	R	R	R	R	R	R	R	R
Processing/storage of bulk seafood*	-	S	-	-	-	-	-	-	-	S	R
Research facilities for marine sciences	S/ W	S	-	-	-	R	-	-	-	R	R
Shellfish culture grounds	R	R	R	R	R	R	R	R	R	R	R
Water/seafood-related industrial park	-	S	-	-	-	S	-	-	-	S	R
Watch houses for shellfish grounds, less than 500 sq. ft.	R/ W	R	-	-	-	-	-	-	-	-	-
Wildlife/marine life preservation areas*	R	R	R	RR	R	R	R	R	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV /C D	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
<b>CATEGORY 6: RECREATIONAL USES</b>											
Archery range	–	–	–	–	--	S	–	–	S	R	R
Baseball hitting	–	–	–	–	–	S	–	–	S	R	R
Boat and camper storage with washing facilities*	–	S	–	–	–	S	–	–	–	S	S
Boat ramp for recreational boats, public/commercial*	S/ W	S/ W	S/ W	S/W	S/ W	S/ W	S/ W	S/ W	S/ W	S/ W	S/W
Boat ramp for recreational boats, private*	R/ W	R/ W	R/ W	R/W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W
Bowling alley	–	–	–	–	–	S	–	–	S	R	R
Campgrounds	–	S	S	–	–	–	–	–	–	S	–
Country clubs, not including golf courses	–	S	S	S	S	R	S	S	R	R	R
Dance halls*	–	–	–	–	–	S	–	–	S	R	R
Docks, private recreational	R/ W	R/ W	R/ W	R/W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W	R/ W
Firing range, indoor	–	–	–	–	–	S	–	–	S	R	R
Firing range, outdoor, including skeet, trap, etc.	–	S	–	–	–	–	–	–	–	–	–
Fishing pier, commercial or public	S/ W	S/ W	S/ W	S/W	S/ W	S/ W	S/ W	S/ W	S/ W	S/ W	S/W
Game center, coin-operated	–	–	–	–	–	S	–	–	S	R	S
Go-kart tracks*	–	S	S	S	–	–	S	–	–	R	S
Golf course, public, private or commercial	–	S	S	S	S	–	S	–	–	R	R
Golf driving range	–	–	–	–	–	S	–	–	S	R	R
Golf-miniature	–	–	–	–	–	S	–	–	R	R	R
Health club/spa*	–	–	–	–	S	R	–	S	R	R	R
Horse boarding/training, commercial*	S	R	S	–	–	–	–	–	–	–	S

**Appendix D: 2000 ZONING CODE**

	C	A	RV /C D	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Horse barn/training, private*	S	R	S	S	–	–	S	S	–	–	S
Hunting blinds*	R	R	R	R	R	RR	R	R	R	R	R
Hunt club/lodges, private or commercial	–	S	S	–	–	R	–	–	R	R	R
Marina, less than 50 slips, public or commercial*	–	–	S/ W	S/W	S/ W	S/ W	R/ W	R/ W	R/ W	R/ W	R/ W
Playgrounds for children	–	–	R	R	R	R	R	R	R	R	R
Pool/billiard room*	–	–	–	–	–	S	–	–	S	R	R
Private club with no outdoor facilities	–	S	S	S	S	R	S	S	S	R	R
Recreation area, public	–	S	–	–	–	–	–	–	–	–	–
Resort hotels with recreational amenities	–	–	S	–	–	S	–	–	R	R	R
Skating rink, ice/roller	–	–	–	–	–	–	–	–	–	R	S
Swimming pools, public or commercial	–	S	S	S	S	S	S	S	S	R	R
Swimming pools, private	–	R	R	R	R	R	R	R	R	R	R
Temporary recreational event (3 days or less); e.g. carnival, ballooning, bungee jumping, tractor pulls, etc.	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Tennis courts, private	–	R	R	R	R	R	R	R	R	R	R
Tennis courts, public or commercial	–	S	S	S	S	S	S	S	S	R	R
Theater, indoor*	-	-	-	-	-	S	-	-	S	R	R
Yacht club, private or commercial	–	–	S	S	S	S	S	S	S	S	S
Wildlife or marine life preservation areas*	R	R	R	R	R	R	R	R	R	R	R

**Appendix D: 2000 ZONING CODE**

	C	A	RV /C D	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
<b>CATEGORY 7: RESIDENTIAL USES</b>											
Accessory uses and structures	S	R	R	R	R	R	R	R	R	R	R
Apartments in existing buildings	–	R	S	R	R	R	R	R	R	R	–
Apartments, new construction	–	–	–	–	R	–	–	R	R	S	–
Atrium units	–	–	–	R	R	–	S	R	–	–	–
Cemetery, private for family use	R	R	R	R	R	R	R	R	R	R	R
Condominium-type ownership (see VA Code)	S	S	S	S	S	S	S	S	S	S	S
Duplex structures	–	–	S	R	R	–	S	R	–	–	–
Living unit above a store	–	–	–	–	R	R	–	–	R	R	–
Accessory dwelling within a dwelling	–	R	R	R	R	–	R	R	–	–	–
Accessory dwelling attached or detached	–	R	R	S	R	–	S	–	–	–	–
Manufactured home, single-wide on permanent foundation	–	R	S/Z	S/Z	S/Z	–	S/Z	S/Z	–	–	–
Manufactured home, single-wide/with petition of no opposition	–	S/Z	S/Z	S/Z	S/Z	–	S/Z	S/Z	–	–	–
Manufactured home, double- or triple-wide	–	R	R	R	R	–	R	R	–	–	–
Manufactured home as emergency housing for one year	–	R	R	R	R	R	R	R	R	R	R
Manufactured home while constructing a dwelling with a valid building permit	–	R	R	R	R	–	R	R	–	–	–
Patio units	–	–	S	R	R	–	S	R	–	–	–

**Appendix D: 2000 ZONING CODE**

	C	A	RV /C D	Rural Village			Community Development				
			RR	R	RM	C	R1	RM	CN	CG	M1
Quadraplex structures	–	–	–	S	R	–	–	R	–	–	–
Seasonal cottages without full services	R	R	–	–	–	–	–	–	–	–	–
Single-family detached units	R	R	R	R	R	–	R	R	–	–	–
Single-family modular units	R	R	R	R	R	–	R	R	–	–	–
Townhouses or row houses *see § 154.147 for any “A” or “RR” Zoning District	–	R*	R*	S	R	–	S	R	–	–	–
Triplex structures	–	–	–	S	R	–	–	R	–	–	–
Zero lot line single-family units	–	–	–	S	R	–	S	R	–	–	–

- R = By right
- S = Special use permit
- Z = Zoning clearance
- W = Wetlands permit

\* Appears in more than one category

**APPENDIX B: USE REGULATIONS RURAL WATERFRONT VILLAGE**

CATEGORY 1: AGRICULTURAL USES		Rural Waterfront Village		
		R	C	A
1	Agriculture Research Facility	S	-	R
2	Aquaculture, Fish production in existing Ponds	R	R	R
3	Aquaculture, Fish Production in Tanks	S	R	R
4	Aquaculture, Shellfish seed production	-	R	R
5	Dairy Farm (750' Shoreline Setback required)	S	-	R
6	Forestry	R	-	R
7	Grain/soybean Production	R	R	R
8	Grain Storage Facility, Commercial	-	S	S
9	Grain Storage Facility, Private	R	R	R
10	Greenhouse Sales, Retail with outdoor storage	-	R	R
11	Greenhouse Sales, wholesale with outdoor storage	-	R	R
12	Hog Production (750' Shoreline Setback required)	-	-	R
13	Horse Boarding/Training, Commercial *	-	-	Z
14	Horse Barn/Training, Private*	S	-	R
15	Irrigation Pond, excavated/Impounded	-	-	Z
16	Irrigation Well (over 300,000 Gal. per month)	-	-	Z
17	Livestock Production (750' Shoreline Setback required)	-	-	R
18	Migrant Agricultural Worker Housing (less than 12 occupants)	S	-	R
19	Migrant Agricultural Worker Housing (12 or more occupants)	S	-	S
20	Orchard / Vineyard	R	S	R
21	Ornamental Plant Nursery with Greenhouses	S	S	R
22	Packing Shed, Commercial	-	S	S
23	Packing Shed, Private on farm	S	S	R
24	Poultry Farm/Chicken House (750' Shoreline Setback required)	S	-	R
25	Produce Sales from Mobile Unit, owner's production	Z	Z	Z
26	Produce Stand, off-premise production	-	R	R
27	Produce Stand, owner's production (seasonal)	R	R	R
28	Vegetable Production	R	R	R
29	Winery	-	R	R
30	Wildlife Impoundment Ponds	R	R	R

**Appendix D: 2000 ZONING CODE**

<b>CATEGORY 2: COMMERCIAL USES</b>		Rural Village	Waterfront	
		R	C	A
1	Aerobic Studios	S	S	-
2	Antique Shops, Enclosed	S	R	-
3	Appliance Repair	-	S	-
4	Auction Markets, enclosed	-	S	-
5	Auto Body/Auto Painting Shops	-	-	-
6	Auto Repair Garage	-	-	-
7	Auto Service Stations	-	-	-
8	Banks/Financial Institutions	-	S	-
9	Barber/Beauty Shops (not as a Home Occupation)	-	S	-
10	Bed and Breakfast Inns	S	R	S
11	Beverage Distribution, Wholesale	-	S	-
12	Bowling Alley	-	-	-
13	Broadcasting Studio, Radio/TV	-	S	-
14	Building Material Sales with outside storage	-	-	-
15	Carpet and Rug Cleaning	-	-	-
16	Car Wash	-	-	-
17	Dance Halls*	-	S	-
18	Dance/Music Studios, Instructional	-	S	-
19	Dry Cleaning/Laundry	-	-	-
20	Electrical Repair Shop	-	-	-
21	Flea Markets, Permanent	-	-	-
22	Funeral Homes	-	-	-
23	Furniture Repair/Cabinet Making/Carpentry	-	S	-
24	Game Center, Coin operated	-	-	-
25	Go-kart Tracks	-	-	-
26	Health Club/Spa	-	-	-
27	Home Occupation-Home Business	S	R	S
28	Home Occupation-Home Office	Z	R	Z
29	Kennels and Boarding of Animals	S	S	R
30	Laundromat	-	-	-
31	Livestock Exchange	-	-	-
32	Memorial Burial Parks, Commercial or non-profit organization (not part of a Church yard)	S	-	S
33	Miniature Golf	-	-	-
34	Mini-storage facilities	-	-	-
35	Mobile Home Sales, Rental and Service	-	-	-
36	Motels and Motels, 10 or more rooms	-	-	-
37	Newsstand, outdoor	-	S	-
38	Nursery/Daycare of Preschool children (6 or less)	S	S	R
39	Nursery/Daycare of Preschool children (7 or more)	-	S	S
40	Nursing Homes/Retirement Facility	S	-	-
41	Office, Business	-	R	-
42	Office, Professional	-	R	-

**Appendix D: 2000 ZONING CODE**

	Rural Waterfront Village		
	R	C	A
43 Petroleum Product bulk Storage for Wholesale	-	-	-
44 Photographic Studio	-	S	-
45 Plumbing Repair Shop	-	S	-
46 Pool/Billiard Room*	-	-	-
47 Restaurant, less than 2500 sq. ft., no drive-thru service	-	R	-
48 Restaurant over 2500 sq. ft., or any with drive-thru service	-	S	-
49 Restaurant, any with outdoor seating	-	S	-
50 Retail Establishments, less than 2500 sq. ft.	-	R	-
51 Retail Establishments, 2500 to 5000 sq. ft.	-	S	-
52 Retail Establishments, more than 5000 sq. ft.	-	-	-
53 Rural Business	S	R	S
54 Schools of Special Instruction	-	S	-
55 Shopping Centers, less than 50,000 sq. ft.	-	-	-
56 Shopping Centers, more than 50,000 sq. ft.	-	-	-
57 Skating Rink, Ice/Roller	-	-	-
58 Stone Monument Processing	-	-	-
59 Subdivision Sales/Rental Office, on-site at an approved subdivision	-	-	-
60 Taxidermy Shop	-	S	-
61 Temporary, Seasonal Sales-Christmas Trees, Seafood, etc.	Z	Z	Z
62 Theater, indoor* live	-	S	-
63 Truck Stop/ Freight Terminal	-	-	-
64 Vehicle/Equipment Dealership with Sales, Service and Rentals	-	-	-
65 Vehicle Rental Agency	-	-	-
66 Veterinary Clinics	-	-	S
67 Warehousing, including Moving and Storage	-	-	-
68 Wholesale Establishment with sales	-	-	-
69 Yard/Garage Sales, temporary 3 days or less	R	R	R
70 Yard/Garage Sales, more than 3 days	Z	-	Z

**Appendix D: 2000 ZONING CODE**

<b>CATEGORY 3: COMMUNITY SERVICE USES</b>		Rural	Waterfront	
		Village	R	C
1	Airport or Heliport, Public or Commercial	-	-	-
2	Airstrip, Private	-	-	-
3	Animal Shelter, non-profit operation	-	-	-
4	Bus or Rail Passenger Terminals	-	-	-
5	Churches/Places of Worship(with on-site cemetery)	Z	Z	Z
6	Colleges/Universities	S	S	S
7	Helipad, Private	-	-	S
8	Hospitals	-	-	-
9	Jails, Public Operation	-	-	-
10	Jails, Private Operation	-	-	-
11	Library	-	R	-
12	Mass/Community Subsurface Drainfield	S	S	S
13	Medical Clinics	S	S	-
14	Meeting Facilities for Social, Fraternal, Civic and similar organizations	S	Z	-
15	Museums, Public or Private	S	S	-
16	Nursery/Daycare of Preschool Children (6 or less)	S	S	R
17	Nursery/Daycare of Preschool Children (7 or more)	-	S	S
18	Post Offices	S	R	S
19	Public Safety Facilities-Police, Fire, Rescue Stations	S	R	S
20	Public Utility, Class A-See definition	R	R	R
21	Public Utility, Class B-See definition	S	S	S
22	Recreational or Social uses with a subdivision for use of residents only	Z	Z	Z
23	Recreational or Social Events by a non-profit organization, temporary	Z	Z	Z
24	Residential Care Facilities(for medical/mental patients)	-	-	-
25	Sanitary Landfill, Public(local government operated)	-	-	-
26	Sewage Treatment Facilities(including land application)	-	-	-
27	Schools, Primary or Secondary, Public or Private	-	-	S
28	Social Club, Private	-	-	-
29	Solid Waste Dumpster Site	-	Z	Z
30	Solid Waste Transfer Station	-	-	-
31	Telecommunication Facilities-Radio, TV, Microwave, Cellular Telephone Antennas & Towers	-	-	-
32	Telephone Exchange, unmanned	S	S	S

**Appendix D: 2000 ZONING CODE**

<b>CATEGORY4: INDUSTRIAL USES</b>		<b>Rural Waterfront Village</b>		
		<b>R</b>	<b>C</b>	<b>A</b>
1	Any Industrial use which exceeds 50,000 gallons in any one day or 300,00 in any consecutive thirty-day period	-	-	-
2	Any Industrial use which, in the opinion of the Zoning Administrator might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise, or	-	-	-
3	Advertising and Bulk Mailing Services	-	-	-
4	Asphalt or Bituminous Mixing Plant	-	-	-
5	Automobile/Farm Equipment/Truck Assembly	-	-	-
6	Bakeries, Wholesale	-	-	-
7	Barrel/Box/Bag Manufacturing	-	-	-
8	Boat Building and Repair (with Railway)*	-	S	S/W
9	Boiler Works	-	-	-
10	Borrow Pit	-	-	-
11	Boiling Plant for Beverages	-	-	-
12	Brick/Tile/Terra Cotta Manufacturing	-	-	-
13	Building Component Manufacturing	-	-	-
14	Cinderblock Manufacturing	-	-	-
15	Clock and Watch Manufacture and Distribution	-	-	-
16	Clothing Manufacturing	-	-	-
17	Coal Landing/Storage/Distribution	-	-	-
18	Communications Equipment Manufacturing	-	-	-
19	Concrete/Concrete Products Manufacturing	-	-	-
20	Contractor Office/shop with Material Storage enclosed or Outdoors or Outdoors with Opaque Screening	-	-	-
21	Contractor Office/Shop with Material Storage Outdoors, unscreened	-	-	-
22	Cotton Gin	-	-	S
23	Drafting Equipment Manufacture and Distribution	-	-	-
24	Drop-forge Industry	-	-	-
25	Electronic Components Manufacturing	-	-	-
26	Electronic Appliance Assembly	-	-	-
27	Ethanol Production	-	-	-
28	Farm Equipment Sales or Service	-	-	-
29	Fertilizer Manufacturing	-	-	-
30	Fertilizer/Pesticide Bulk Storage for Wholesale	-	-	-
31	Furniture Manufacturing	-	-	-
32	Glass Production Manufacturing and Distribution	-	-	-
33	Grain Storage Facility, high-volume Industrial	-	-	-
34	Heavy Equipment Sales and Service	-	-	-

**Appendix D: 2000 ZONING CODE**

	Rural Waterfront Village		
	R	C	A
35 Incinerators for Non-hazardous Waste	-	-	-
36 Jewelry and Silver Manufacturing	-	-	-
37 Labs and Test Facilities for Manufacturing, Enclosed	-	-	-
38 Machine Shops, Tool and Die Operations	-	-	-
39 Medical/Surgical instrument	-	-	-
40 Metal Fabrication and Welding Operations	-	-	-
41 Modular construction Unit Manufacture and	-	-	-
42 Musical Instrument Manufacturing and Distribution	-	-	-
43 Optical Equipment Manufacture	-	-	-
44 Pallet Manufacture and Repair Facilities	-	-	-
45 Peanut Dryer	-	-	S
46 Petroleum Product Bulk Storage for Wholesale	-	-	-
47 Pharmaceutical manufacturing Laboratories	-	-	-
48 Plaster Products Manufactured for previously prepared raw materials	-	-	-
49 Plastic Product Manufacture	-	-	-
50 Pottery and Figurine Manufacture (small artisan)	-	S	-
51 Prefabrication of Wooden Buildings	-	-	-
52 Printing, Lithography, or Publishing Establishments	-	-	-
53 Processing/ Storage of Bulk Agricultural Products	-	-	S
54 Processing/Storage of Seafood Products	-	-	S
55 Railroad Passenger Stations	-	-	-
56 Railroad Freight Terminals	-	-	-
57 Reclamation of Soil or Water, temporary, on-site	Z	Z	Z
58 Recreational Vehicle Manufacture	-	-	-
59 Recycling Collection Site	S	S	S
60 Recycling of Plastic, Glass, or Aluminum	-	-	-
61 Recycling Receiving/Transfer Facilities for Plastic, glass, cans, paper, household waste	-	-	-
62 Recycling of Tires or Paper	-	-	-
63 Research and Testing Laboratories	-	-	S
64 Sawmill/Planning Facility	-	-	-
65 Soap Manufacturing	-	-	-
66 Soybean Crush Mill for oil and meal production	-	-	-
67 Stockyards (with no slaughter)	-	-	-
68 Stockyards with Slaughter House	-	-	-
69 Tire manufacture and Recapping	-	-	-
70 Vinegar Manufacturing	-	-	-
71 Vehicle Junkyard/Graveyard with parts recycling/sales	-	-	-
72 Vocational, Technical, and Industrial Trade schools	-	-	-
73 Wood, Cloth, or Fiber Product Manufacture	-	-	-

CATEGORY 5: MARINE-RELATED USES		Rural Waterfront Village		
		R	C	A
1	Aquaculture, Fish Production in existing ponds*	R	R	R
2	Aquaculture, Fish Production Tanks*	S	R	R
3	Aquaculture, Shellfish seed Production	-	R	R
4	Beaches, Public	S/W	S/W	R/W
5	Boat Ramp for Recreational Boats, Public/Commercial	S/W	S/W	S/W
6	Boat Ramp for Recreational Boats, Private	R/W	R/W	R/W
7	Boat Building and Repair (with railway)*	-	S	S/W
8	Boat Sales/Service/rental	-	S	-
9	Clam Packing House (with no processing)	-	R	R
10	Crab shedding, Enclosed	S	R	R
11	Crab Shedding, Not Enclosed	-	S	R
12	Crab Picking Houses	-	S	S
13	Docks, Private Recreational	R/W	R/W	R/W
14	Dredge Spoil Disposal Site	-	-	S
15	Erosion and Stormwater Control Devices	Z	Z	Z
16	Fish packing Houses(with no processing)	-	S	R
17	Hunting Blinds*	-	-	R
18	Landing Site for Finfish, Shellfish, Crabs-Private	R	R	R
19	Landing Site for Finfish, Shellfish, Crabs-Commercial	-	R	S
20	Marina, less than 50 slips, Public or Commercial*	S/W	S/W	-
21	Marina, 50 slips or more, Public or Commercial	-	-	-
22	Navigation Aids	Z	Z	Z
23	Oyster Shucking Houses(with no processing)	-	R	R
24	Pot Production for Crab or Eel Pots- Private	S	S	R
25	Pot production for Crab or Eel Pots-Commercial	-	R	S
26	Potting for Crabs /Eels	R	R	R
27	Processing/Storage of bulk Seafood*	-	-	S
28	Research Facilities for Marine Science	-	R	S
29	Shellfish Culture Grounds	R	R	R
30	Water/Seafood-related Industrial Park	-	-	-
31	Watch Houses for Shellfish grounds, less than 500 sq. ft.	-	-	R
32	Wildlife/Marine life Preservation Areas*	R	R	R

CATEGORY 6: RECREATIONAL USES		Rural Waterfront Village		
		R	C	A
1	Archery Range	-	-	-
2	Baseball Hitting	-	-	-
3	Boat and Camper Storage with Washing Facilities*	-	S	-
4	Boat Ramp for Recreational Boats, Public/Commercial	S/W	S/W	S/W
5	Boat Ramps for Recreational Boats, Private*	R/W	R/W	R/W
6	Bowling Alley	-	-	-
7	Campgrounds	-	-	-
8	Country Clubs, not including Golf Courses	-	-	-
9	Dance Halls*	-	S	-
10	Docks, Private Recreational	R/W	R/W	R/W
11	Firing Range, Indoor	-	-	S
12	Firing Range, Outdoor Including Skeet, Trap, etc.	-	-	S
13	Fishing Pier, Commercial or Public	S/W	S/W	S/W
14	Game Center, Coin-operated	-	-	-
15	Go-Kart Tracks*	-	-	-
16	Golf Course, Public, Private, or Commercial	-	-	-
17	Golf Driving Range	-	-	-
18	Golf-Miniature	-	-	-
19	Health Club/Spa*	-	-	-
20	Horse Boarding/Training Commercial*	-	-	Z
21	Horse Barn/Training, Private*	S	-	R
22	Hunting Blinds	-	-	R
23	Hunt Clubs/lodges, Private or Commercial	-	-	S
24	Marina, less than 50 slips, Public or Commercial*	S/W	S/W	-
25	Marina, 50 slips or more, Public or Commercial*	-	-	-
26	Playgrounds for Children(Not along waterfront)	R	-	-
27	Pool/Billiard Room*	-	-	-
28	Private Club with no outdoor facilities	-	-	-
29	Resort Hotels with recreational amenities	-	-	-
30	Skating Rink, Ice/Roller	-	-	-
31	Swimming Pools, Public or Commercial	S	S	S
32	Swimming Pools, Private	R	-	R
33	Temporary Recreational Event (3 days or less);e.g. carnival, ballooning, bungee jumping, tractor pulls, etc.	Z	Z	Z
34	Tennis Courts, Private(Not along waterfront)	R	R	R
35	Tennis Courts, Public or Commercial(Not along Waterfront)	S	S	S
36	Theater, Indoor Live	-	S	-
37	Yacht Club, Private or Commercial	-	S	-
38	Wildlife or Marine life Preservation Areas*	R	R	R

CATEGORY 7: RESIDENTIAL USES		Rural Waterfront Village		
		R	C	A
1	Accessory Uses and Structures	R	R	R
2	Apartments in Existing Building	R	R	R
3	Apartments-New Construction	-	-	-
4	Atrium Units	S	-	-
5	Cemetery, Private for Family Use	-	-	R
6	Duplex Structures	S	-	-
7	Living Unit above a Store	-	R	-
8	Accessory dwelling within a dwelling	S	-	R
9	Accessory dwelling Attached or Detached	S	-	S
10	Manufactured Home, Single-wide on Permanent Foundation	-	-	R
11	Manufactured Home, Single-wide/with Petition of No Opposition	-	-	R
12	Manufactured Home, double-or triple-wide on permanent foundation	S	-	R
13	Manufactured Home as Emergency Housing for 1 year	R	R	R
14	Manufactured Home while constructing a dwelling with a valid building permit	R	-	R
15	Patio Units	S	-	-
16	Quadraplex Structure	S	-	-
17	Seasonal Cottages without full services	-	-	R
18	Single-family Detached Units	R	-	R
19	Single-family Modular Units on solid Foundations	R	-	R
20	Townhouses or Row Houses			
21	Triplex Structures	S	-	-
22	Zero Lot Line Single-family Units	S	-	-

- R = By right
- S = Special use permit
- Z = Zoning clearance
- W = Wetlands permit

\* Appears in more than one category

**APPENDIX C: DENSITIES, LOT SIZES AND DIMENSIONS FOR SINGLE FAMILY LOTS**

Zoning District	C	A-1	A-2	RVRR	RV-R	CD RR	CD-R1	RV/CD*
								RM
Density: Units/acre	1:50	1:20	1:5	1:3	1:20,000 sq. ft.	1:1	1:20,000 sq. ft.	1:20,000 sq. ft.
Open space requirement	98%	0	75%	60%	0	0	0	0
Lot size: Minimum lot size	1 acre	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	1 acre	20,000 sq. ft.	**20,000 sq. ft.
Dimensions: Minimum lot width in feet at:								
Building line	150	125	125	115	100	90	90	90
Shoreline	250	250	250	250	250	250	250	250
Minimum yard dimensions (in. ft.)								
Front yard setback	100	100	100	100	100	100	100	100
Route 13	80	80	80	60	60	60	60	60
Other roads								
Rear yard setback	100	60	60	45	35	35	35	25
Main structure	10	6	6	6	6	3	3	3
Accessory structure								
Side yard setback	50	50	50	25	20	15	15	10
Main structure	10	10	10	6	6	3	3	3
Accessory structure								

- C = Conservation
- A = Agricultural
- RR = Rural Residential - Community Development and Rural Village
- RV-R = Rural Village-Residential
- CD-R1 = Community Development-Single Family Residential
- CD-RM = Community Development-Residential Mixed

\* See Appendix C

\*\* 10,000 sq. ft. with public water and sewer

\*\*\* Existing residential subdivisions: residential subdivisions with plat of record dated before December 28, 2000 may be allowed to develop using a side yard of 25 feet in the Agricultural District and 15 feet in the residential districts.

**APPENDIX D: DENSITIES, LOT SIZES AND DIMENSIONS FOR SINGLE FAMILY LOTS RURAL WATERFRONT VILLAGE**

Zoning District	RWVA	RWVR
Density: Units/acre	1:20	1:20
Open space requirement	0	0
Lot size: Minimum lot size	20,000 sq. ft.	20,000 sq. ft.
Dimensions: Minimum lot width in feet at:		
Building line	125	100
Shoreline	250	250
Minimum yard dimensions (in. ft.)		
Front yard setback	80	60
Roads	60	20
Rear yard setback	6	6
Main structure		
Accessory structure	50	20
Side yard setback	10	6
Main structure		
Accessory structure		

Note: 20,000 sq. ft. = approximately ½ acre.  
 RWVA Rural Waterfront Village Agricultural  
 RWVR Rural Waterfront Village Residential

**APPENDIX E: DENSITIES, LOT SIZES AND DIMENSIONS FOR RESIDENTIAL MIXED (CD-RM) AND COMMUNITY DEVELOPMENT (CD), RURAL VILLAGE-RESIDENTIAL MIXED (RV-RM) ZONING DISTRICT**

Type of Dwelling	Duplex	Townhouse	Patio/Atrium	Multi-Family
Minimum area/unit (sq. ft.)				
Public water and sewer	9,000	2,000	3,600	3,600
Public water or sewer (not both)	20,000	3,000	10,000	5,500
Private water and sewer	25,000	–	–	–
Minimum lot width (ft.)				
Non-corner lot with:				
Public water and sewer	65	18	40	140
Public water or sewer (not both)	110	18	40	140
Private water and sewer	110	–	–	–
Corner lot with:				
Public water and sewer	90	30	70	170
Public water or sewer	135	30	70	170
Private water and sewer	135	–	–	–
Minimum development area (sq. ft.)				
Public water and sewer	0	20,000	36,000	17,000
Public water or sewer	40,000	40,000	100,000	25,000
Private water and sewer	40,000	–	0	–
Minimum front yard (ft.)				
Right-of-way 50 ft. or more on secondary or private road	35	30	30	45
Right-of-way less than 50 ft. on secondary or private road	50	35	45	60
State or federal primary road (US 13; SR 1768, 184, 183)	100	100	100	100
Minimum distance for any side yard (ft.)	12	None	None	30
Minimum distance for any rear yard (ft.)	35	20	None	25
Minimum shoreline buffer	See			

**APPENDIX F: DENSITIES, LOT SIZES, AND DIMENSIONS FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

Zoning District	RV-C	CD-CN	CD-CG	CD-M1
Density: Minimum project area	None	None	None	None
Lot size: Minimum lot size	None*	None*	None*	None*
Dimensions: Minimum yard dimensions (in ft.): Front yard setback for buildings/parking areas*** Route 13 Other roads	100	100	150	150
Rear yard setback	75	75	75	75
Side yard setback	35	35	35	50
Required vegetated buffer when abutting C, A, RV-R, CD-R or CD-RM Zoning Districts (See Article 7.E.)	12	6	6	25
Maximum building height				
Minimum required off-street parking (See §§ 154.205 et seq.)	35**	35**	45**	45**

- \* Except for open space and parking requirements
- \*\* Except as modified in §§ 154.140 et seq.
- \*\*\* May be modified by § 154.105

RV-C = Rural Village-Commercial  
 CD-CN = Community Development-Commercial Neighborhood  
 CD-CG = Community Development-Commercial General  
 CD-M1 = Community Development-Manufacturing and Industrial

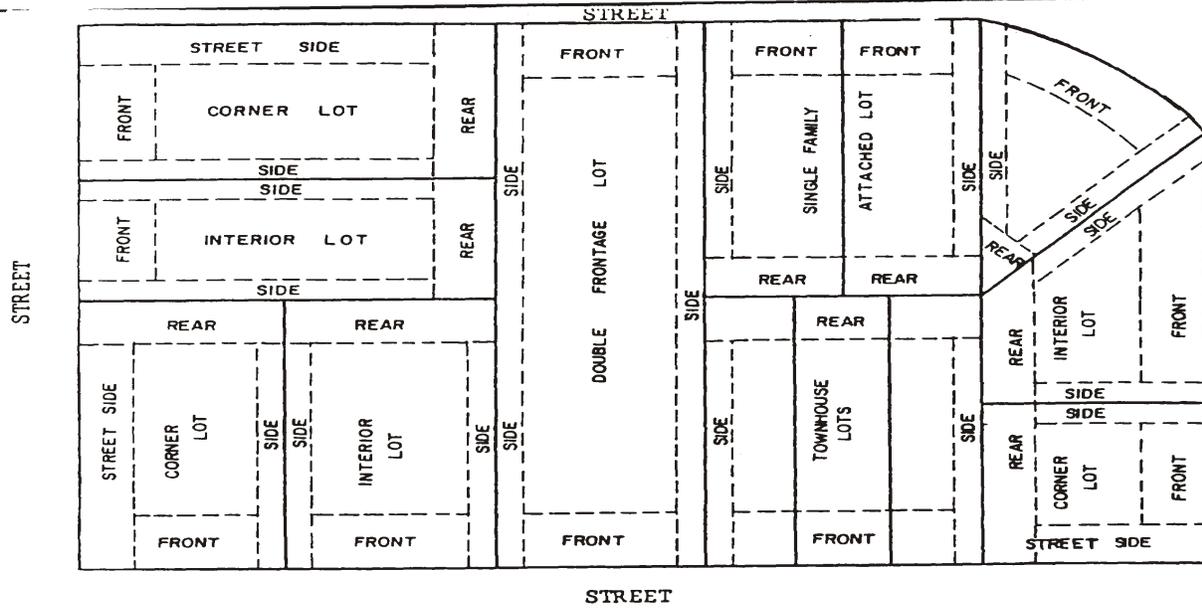
**APPENDIX G: DENSITIES, LOT SIZES, AND DIMENSIONS FOR COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS RURAL WATERFRONT VILLAGE**

ZONING DISTRICT	RWVC
Density Minimum project area	None
LOT SIZE Minimum Lot Size	None*
DIMENSIONS Minimum Yard Dimensions (in ft.): Front Yard Setback for Buildings/Parking Areas Roads	75
Rear Yard Setback	35
Side Yard Setback	35
Required Vegetated Buffer when abutting C,A, RV-R, CD-R or CD-RM zoning districts	See Section 154.105
Maximum building height (above flood plain elevation)	25
Minimum required off-street parking	See Section 154.205 - 213

\*Except for open space and parking requirements

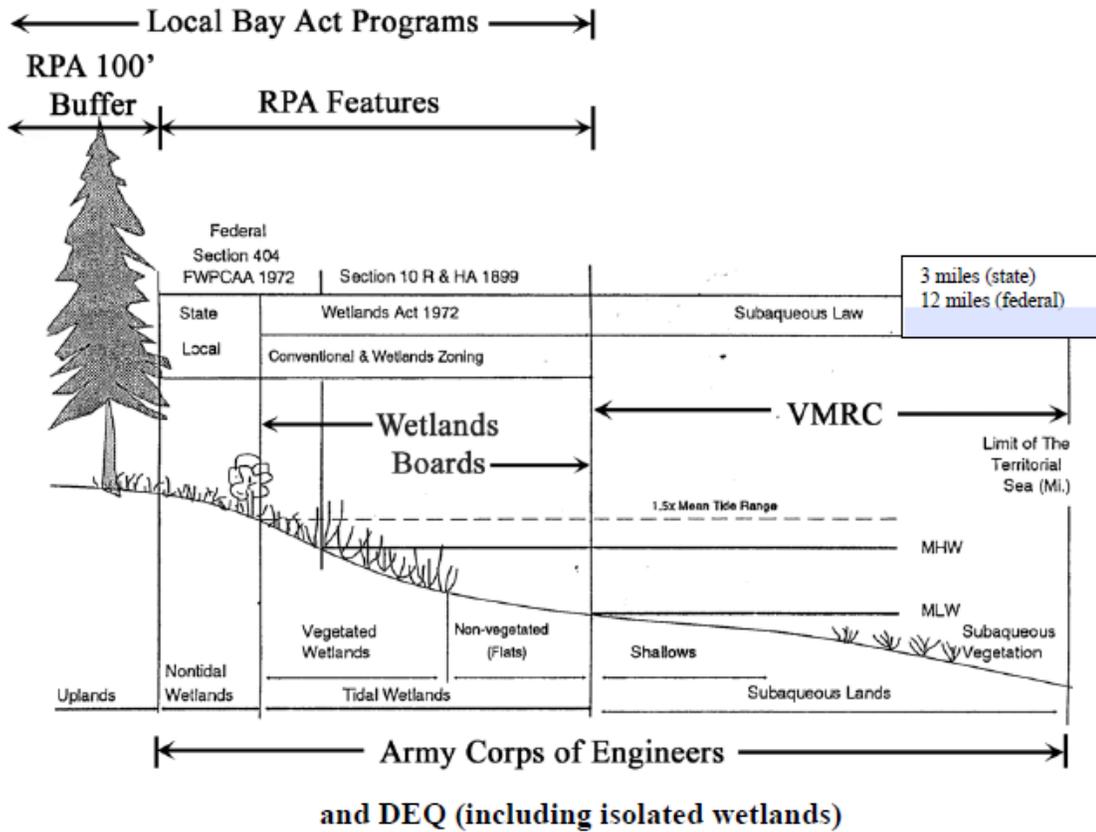
RWVC Rural Waterfront Village  
Commercial

APPENDIX H: MEASURING SETBACKS AND RESOURCE PROTECTION AREA

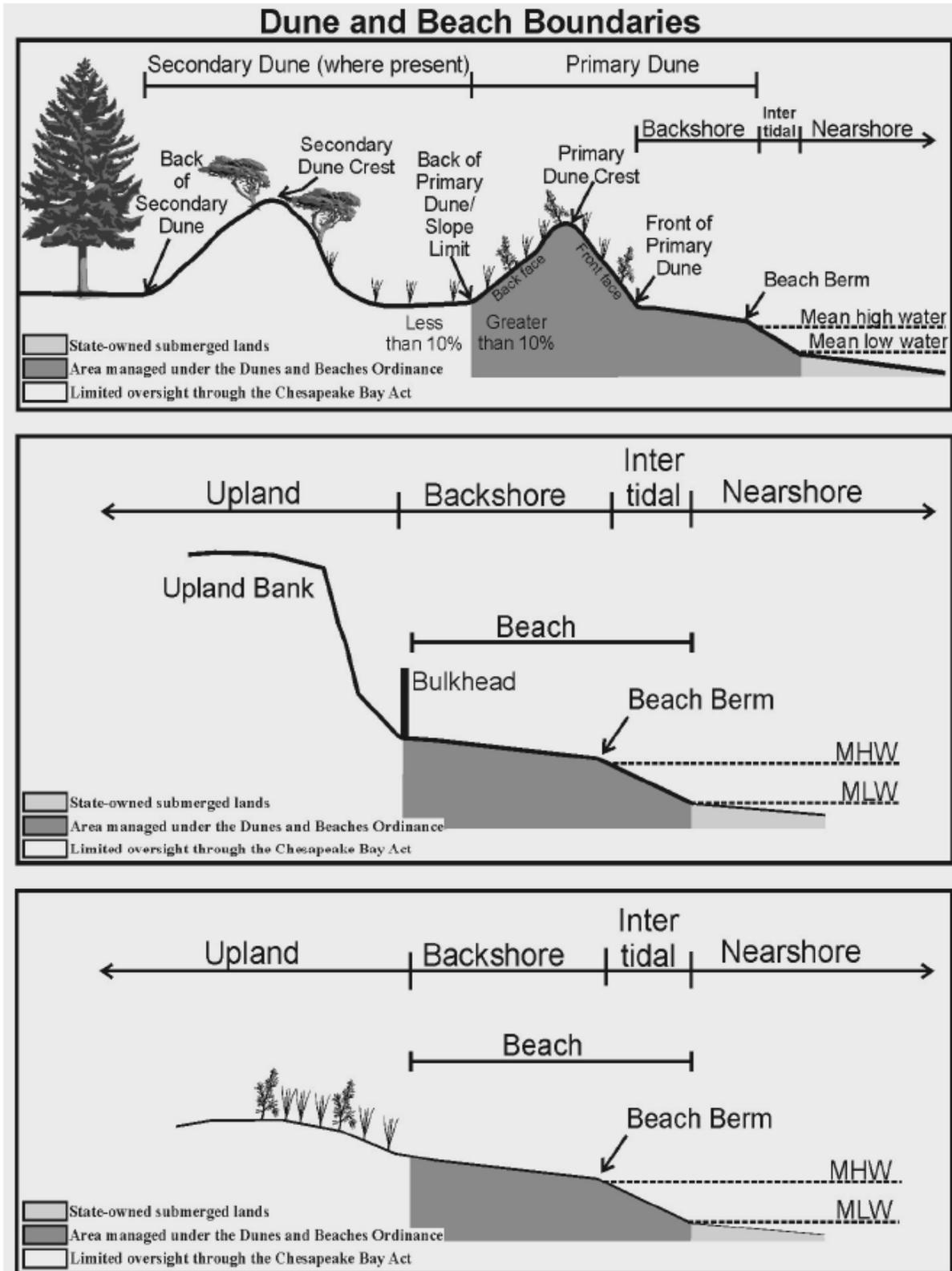


APPENDIX I: JURISDICTIONAL BOUNDARIES

**JURISDICTIONAL BOUNDARIES**



APPENDIX J: DUNE AND BEACH BOUNDARIES



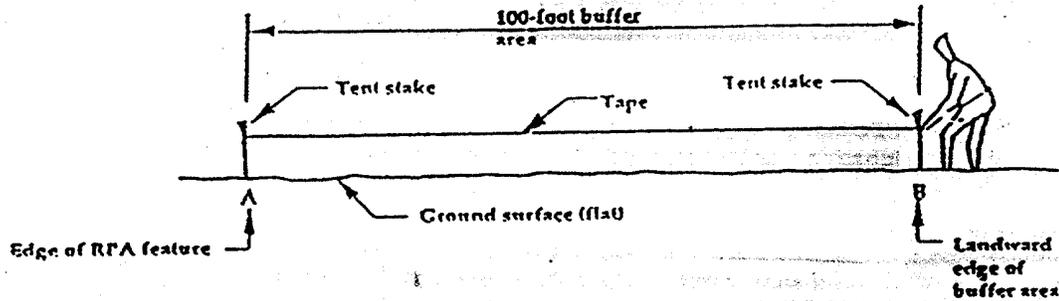
**APPENDIX K: DEPARTMENT OF ENVIRONMENTAL QUALITY - CHESAPEAKE BAY PRESERVATION ACT GUIDANCE LINKS**

<http://www.deq.virginia.gov/Programs/Water/LawsRegulationsGuidance/Guidance/StormwaterManagementGuidance.aspx>

1. [Administrative Procedures for the Designation and Refinement of Chesapeake Bay Preservation Area Boundaries](#)
2. [Determinations of Water Bodies with Perennial Flow](#)
3. [Exceptions](#)
4. [Nonconforming Structures and Uses](#)
5. [Resource Protection Area: Buffer Area Encroachments](#)
6. [Resource Protection Area: Onsite Buffer Area Delineation](#)
7. [Resource Protection Areas: Nontidal Wetlands](#)
8. [Resource Protection Areas: Permitted Development Activities](#)
9. [Riparian Buffers Modification & Mitigation Guidance Manual](#)
10. [Silvicultural Operations and the Chesapeake Bay Preservation Act](#)

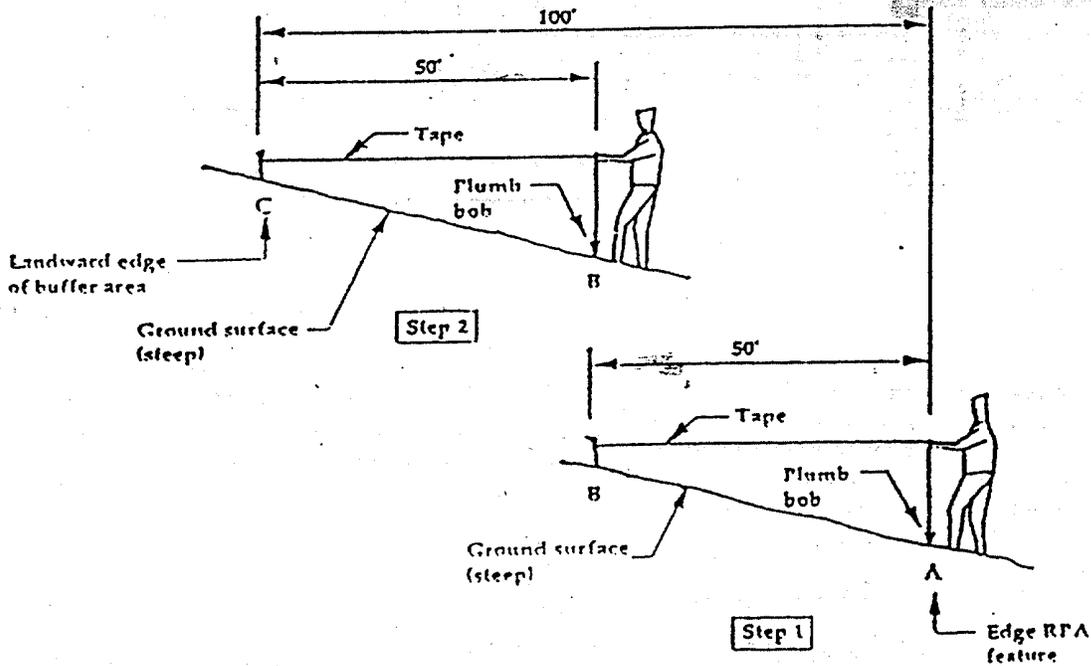
APPENDIX L: HOW TO MEASURE THE CAP BUFFER

deviated in and/or out, then measurements will have to be taken at each point of deviation along its entire length to establish an accurate line for the landward edge of the buffer area.



SIDE VIEW

3. Measuring the 100 foot buffer with steep slopes is a difficult task. The following diagram shows how it should be accomplished.



SIDE VIEW