

**NORTHAMPTON
COUNTY
VIRGINIA**
&
THE TOWN OF EXMORE

**ZONING
ORDINANCE**

NORTHAMPTON COUNTY ZONING ORDINANCE

TABLE OF CONTENTS

<u>ARTICLE-SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1-0	ARTICLE I IN GENERAL	1
1-1	Authority to Establish Zoning, Official Title.....	1
1-2	Repeal of Conflicting Ordinances.....	1
1-3	Conflict with Other Laws.....	1
1-4	County and Municipal Liability.....	1
1-5	Severability Clause	1
1-6	Purpose and Intent.....	1
1-7	Nonexclusionary Intent.....	2
1-8	Territory Affected.....	2
1-9	Enumeration of Districts.....	3
1-10	Provisions for Official Zoning Map.....	3
1-10.1	Changes of Amendments.....	3
1-10.2	Replacement.....	3
1-11	Application/Interpretation of District Boundaries	4
1-12	Application of District Regulations.....	4
* * * * *		
2-0	ARTICLE II DEFINITIONS	6
2-1	General Usage.....	6
2-2	Interpretation by Zoning Administrator.....	7
2-3	Specific Definitions.....	7
* * * * *		
3-0	ARTICLE III NONCONFORMING USES	31
3-1	Intent.....	31
3-2	Continuation	31
3-3	Nonconformity in General	32
3-4	Provisions for Special Uses	33
* * * * *		

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
4-0	ARTICLE IV ADMINISTRATION AND ENFORCEMENT	34
4-1	Zoning Administrator.....	34
4-2	Zoning Clearance.....	34
4-3	Special Use Permits.....	34
4-3.1	Conditions and Bonds.....	35
4-3.2	Review Standards.....	35
4-3.3	Effect of Approval	36
4-3.4	Reconsideration of Applications	36
4-4	Special Use Permit Approval Guidelines.....	36
4-5	Enforcement	37
4-6	Violations	37
4-7	Penalties	37
4-8	Fees and Changes.....	37
* * * * *		
5-0	ARTICLE V AMENDMENTS AND APPEALS	38
5-1	Amendments to the Zoning Ordinance	38
5-2	Special Conditions	41
5-3	Reconsideration of Applications.....	41
5-4	Appeals	41
5-5	Withdrawal of Rezoning Petitions	42
* * * * *		
6-0	ARTICLE VI BOARD OF ZONING APPEALS	43
6-1	Composition.....	43
6-2	Procedures	43
6-3	Powers and Duties	44
6-4	Appeals from the Board of Appeals	46
* * * * *		
7-0	ARTICLE VII ZONING GUIDELINES	48
7-1	Intent	48
7-2	Supplemental Considerations and Regulations	48
7-2.1	Conditions	48
7-3	Conditional/Contractual Zoning - Procedure	48
* * * * *		

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
8-0	ARTICLE VIII "AR" - AGRICULTURE RESIDENTIAL DISTRICT.....	50
8-1	Intent	50
8-2	Permitted Uses and Structures	50
8-3	Special Uses and Structures	50
8-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	52
8-5	Off-Street Parking	53
* * * * *		
9-0	ARTICLE IX "R-20" - RESIDENTIAL DISTRICT	54
9-1	Intent	54
9-2	Permitted Uses and Structures	54
9-3	Special Uses and Structures	54
9-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	55
9-5	Off-Street Parking	56
* * * * *		
10-0	ARTICLE X "R-11" - RESIDENTIAL DISTRICT	57
10-1	Intent	57
10-2	Permitted Uses and Structures	57
10-3	Special Uses and Structures	57
10-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	58
10-5	Off-Street Parking	58
* * * * *		
11-0	ARTICLE XI "RM" - RESIDENTIAL DISTRICT	59
11-1	Intent	59
11-2	Principal Permitted Uses and Structures	59
11-3	Special Uses and Structures	59
11-4	Area and Lot Widths	61
11-5	Minimum Yard (Setback) Requirements	62
11-6	Specific Use Regulations	64
11-7	Off-Street Parking	65
11-8	Maximum Height of Buildings	65
* * * * *		

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
12-0	ARTICLE XIX "MHP - MOBILE HOME PARK RESIDENTIAL DISTRICT ..	66
12-1	Intent	66
12-2	Principal Permitted Uses and Structures	66
12-3	Special Uses and Structures	66
12-4	Area Requirements	67
12-5	Setbacks	67
12-6	Yards	67
12-7	Heights	67
12-8	Corner Lots	68
12-9	Accessory Structures	68
12-10	Open Space	68
12-11	Minimum Off-Street Parking	68
12-12	Access	68
* * * * *		
13-0	ARTICLE XIII "CN" - COMMERCIAL NEIGHBORHOOD DISTRICT.....	69
13-1	Intent	69
13-2	Principal Permitted Uses and Structures	69
13-3	Special Uses and Structures	70
13-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	71
13-5	Off-Street Parking and Loading Areas	71
* * * * *		
14-0	ARTICLE XIV "CG" - COMMERCIAL GENERAL DISTRICT	72
14-1	Intent	72
14-2	Principal Permitted Uses and Structures	72
14-3	Special Uses and Structures	74
14-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	74
14-5	Off-Street Parking	75
* * * * *		
15-0	ARTICLE XV "CW" - COMMERCIAL WATERFRONT DISTRICT	76
15-1	Intent	76
15-2	Permitted Principal Uses and Structures	76
15-3	Special Uses and Structures	77
15-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	77
15-5	Off-Street Parking and Loading Areas	78
* * * * *		

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
16-0	ARTICLE XVI "PI" - PLANNED INDUSTRIAL DISTRICT	79
16-1	Intent	79
16-2	Principal Permitted Uses and Structures	79
16-3	Area Regulations and Buffer Zone	81
16-4	Setback Regulations	81
16-5	Frontage Regulations	81
16-6	Yard Regulations	81
16-7	Height Regulations	81
16-8	Buildings and Structures to Ground Coverage.....	82
16-9	Environmental and Performance Regulations	82
16-10	Access	82
16-11	Minimum Off-Street Parking	83
16-12	Exterior Lighting	83
16-13	Procedures for Submission of an Application for the Planned Industrial District	83
16-14	Preliminary Plan - Decision of the Governing Body	84
16-15	Standards for Preparation of the Preliminary Plan of Development	85
16-16	Final Plan of Development.....	86
16-17	Final Plan of Development Procedures for Submission and Review	86
16-18	Standards for Preparation of the Final Plan of Development	87
16-19	Issuance of a Building Permit	89
* * * * *		
17-0	ARTICLE XVII "IL" - INDUSTRIAL LIMITED DISTRICT	90
17-1	Intent	90
17-2	Principal Permitted Uses and Structures	90
17-3	Special Uses and Structures	91
17-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	91
17-5	Off-Street Parking and Loading Areas	92
* * * * *		
18-0	ARTICLE XVIII "IG" - INDUSTRIAL GENERAL DISTRICT	93
18-1	Intent	93
18-2	Permitted Principal Uses and Structures	93
18-3	Special Uses and Structures	94
18-4	Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements	95
18-5	Off-Street Parking and Loading Areas	96
* * * * *		

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
19-0	ARTICLE XIX "HD" - HISTORIC DISTRICT	97
19-1	Intent	97
19-2	District Boundaries Generally	97
19-3	Establishment of an Amendment to Historic District Boundaries and Regulations	97
19-4	Action By Board of Supervisors	98
19-5	Architectural Review Board Generally	98
19-6	Permitted Uses, Construction, Demolition, Lots And Heights	100
19-7	Off-Street Parking	101
19-8	Exterior Illumination Signs	101
19-9	Permits - Action by Zoning Administrator and Building Official	101
19-10	Material to be Submitted for Review	101
19-11	Report of the Architectural Review Board	102
19-12	Action of the Board of Supervisors Concerning Applications	102
19-13	Appeals	103
* * * * *		
20-0	ARTICLE XX "AP" - AIRPORT PROTECTION DISTRICT	105
20-1	Intent	105
20-2	Application of the "AP" District.....	105
20-3	Definitions	105
20-4	Uses and Structures Prohibited in the "AP" District.....	106
20-5	Helicopters and Heliports	106
20-6	Establishment of "AP" Districts.....	106
* * * * *		
21-0	ARTICLE XXI "PUD - PLANNED UNIT DEVELOPMENT DISTRICT	107
21-1	Intent	107
21-2	Procedure for Establishment	107
21-3	Uses Permitted by Right	108
21-4	Special Uses and Structures	109
21-5	Area Requirements	109
21-6	Setbacks	109
21-7	Yards	109
21-8	Heights	109
21-9	Corner Lots	109
21-10	Accessory Structures	110
21-11	Open Space	110
21-12	Minimum Off-Street Parking	110
21-13	Signs	110
21-14	Site Plan Approval	110

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
22-0	ARTICLE XXII "FH" - FLOOD HAZARD DISTRICT	111
22-1	Purpose and Intent	111
22-2	Interpretation and Application of Flood Plain	111
22-3	Uses Permitted.....	111
22-4	General Regulations for the Flood Hazard District	112
22-5	Special Flood Hazard District Management Regulations	114
22-6	Supplemental Regulations	116
22-7	Administration.....	117
22-8	Warning and Disclaimer of Liability	117
* * * * *		
22A-0	ARTICLE XXIIA "CB/AOPA" - CHESAPEAKE BAY/ATLANTIC OCEAN PRESERVATION AREA	118
22A-1	Title	118
22A-s	Findings of Fact.....	118
22A-3	Purpose and Intent	118
22A-4	Areas of Applicability	119
22A-5	Use Regulations	120
22A-6	Lot Size	120
22A-7	Required Conditions	120
22A-8	Conflict with Other Regulations	120
22A-9	Interpretation of Resource Protection Area Boundaries	120
22A-10	Performance Standards	121
22A-11	Water Quality Impact Assessment	127
22A-12	Plan of Development Process.....	134
22A-13	Nonconforming Use and Development Waivers.....	140
22A-14	Exemptions	141
22A-15	Exceptions	142
* * * * *		
23-0	ARTICLE XXIII SIGNS	144
23-1	Signs Permitted - "AR" Districts.....	144
23-2	"R-20" and "R-11" Districts	145
23-3	"RM" and "MHP" Districts	146
23-4	"CN", "CW", and "CG" Districts	147
23-5	"PI", "IL", and "IG" Districts	148
23-6	Removal of Signs	150
23-7	Nonconforming Signs and Discontinuance	150
23-8	Signs as Traffic Hazards	150
23-9	Height and Illumination Generally	150
23-10	Prohibited Signs	150
23-11	Sign Permits	151
23-12	Allowable Design and Content of Business Signs	151

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
23-13	Shopping Centers: Allowable Sign Dimensions And Special Regulations	152
23-14	Sign Setbacks	152
24-0	ARTICLE XXIV OFF-STREET PARKING AND LOADING REQUIREMENTS.....	153
24-1	Intent	153
24-21	Space on Same Lot and Adjacent Lots	153
24-3	Location of Parking	153
24-4	Cooperative Parking	153
24-5	Safe and Convenient Access Required	154
24-6	Parking Area Design	154
24-7	General Requirements	154
24-8	Site Requirements	155
24-9	Requirements and Specifications for Off-Street Loading Space	156
24-10	Minimum Parking Spaces Required for Permitted Uses	157
* * * * *		
25-0	ARTICLE XXV SITE DEVELOPMENT PLAN (Final Development Plan)...	160
25-1	Purpose and Intent	160
25-2	Development or Land Use Requiring A Site Development Plan	160
25-3	Site Development Plan Information Required.....	160
25-4	Site Development Plan - Preparation Procedure and Specific Items To Be Shown.....	162
25-5	Minimum Standards and Improvements Required.....	164
25-6	Administration and Procedures for Processing Site Development Plans	167
* * * * *		
26-0	ARTICLE XXVI SUPPLEMENTAL DISTRICT REGULATIONS	170
26-1	Lot Width - How Measured	170
26-2	Shoreline Setback - How Measured	170
26-3	Wetlands and Water Areas Excluded from Lot Area .	170
26-4	Setback Modifications	070
26-5	Required Setbacks Cannot Be Reduced	170
26-6	Height Limit - How Measured	170
26-7	Structures Permitted Above the Height Limit.....	171
26-8	Accessory Uses and Structures	171
26-9	Traffic Visibility	172
26-10	Shopping Centers - Access Regulations	172
26-11	Campgrounds - Travel Trailer Parks	172
26-11.1	Campgrounds, Generally	172
26-11.2	Family and Group Tenting Areas	173
26-11.3	Recreational Vehicle and Trailer Campsites	173

<u>SECTION-ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
26.12	Cluster Alternative Development	174
26-13	Automobile Graveyard-Junkyard.....	175
26-14	Requirements for Condominiums	175
26-14.1	Definitions	175
26-14.2	Where Permitted	175
26-14.3	Compliance with Ordinance	175
26-15	Interpretation of Lot and Yard Designations	176

* * * * *

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE FROM AND AFTER ITS ADOPTION BY THE BOARD OF SUPERVISORS AND/OR TOWN COUNCIL, AND ITS PROVISIONS SHALL BE ENFORCE THEREAFTER UNTIL REPEAL OR AMENDED.

ADOPTED BY THE NORTHAMPTON COUNTY BOARD OF SUPERVISORS ON JANUARY 19, 1983.

Certification:

J. T. Holland, Chairman
Board of Supervisors

Witness:

John L. Humphrey
Zoning Administrator

ALSO ADOPTED BY THE TOWN OF EXMORE, VIRGINIA, ON JANUARY 9, 1984

Temple Bell, Mayor

AS AMENDED THROUGH:

December 18, 1985	September 10, 1990
October 13, 1987	August 12, 1991
May 9, 1988	October 15, 1991
July 1, 1988	February 10, 1992
August 8, 1988	July 13, 1992
April 12, 1989	October 10, 1990

POLICY STATEMENT

It is the policy of the Northampton County Board of Supervisors to maintain and promote equal employment opportunity for all employees and applicants for employment, without regard to race, political affiliation, creed, color, sex, age, religion, national origin, handicap or other non-job related factors. This policy affects all aspects of our employment practices including: recruitment, hiring, training, promotions, compensation, terminations, and other personnel actions. It is also the intent of the County of Northampton to make all programs, facilities and services available to all citizens, regardless of handicapping conditions. Where necessary, accommodations in both services and/or facilities have or are projected to be made to insure that all citizens regardless of handicapping conditions, have access to public services provided by the County of Northampton.

ARTICLE I
IN GENERAL

Section 1-1 Authority to Establish Zoning; Official Title: This ordinance, to be cited as the Zoning Ordinance of Northampton County, Virginia, is hereby ordained, enacted and published by the Board of Supervisors of Northampton County, Virginia, pursuant to the provisions of Title 15.1, Chapter II, Article VIII of the Code of Virginia, 1950, as amended.

section 1-2 Repeal of Conflicting Ordinances: All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. Specifically, this shall repeal the Zoning Ordinance of Northampton County, Virginia, adopted July 1, 1966, along with all subsequent amendments thereto.

Section 1-3 Conflict With Other Laws: Whenever these standards are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, deed restrictions, covenants or ordinances, the most restrictive, or that imposing the high standards shall govern.

Section 1-4 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 nor any municipal government for which Northampton County administers zoning control of the suitability of such land or structure for developing or use.

Section 1-5 Severability Clause: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof other than that part so declared to be unconstitutional or invalid.

section 1-6 Purpose and Intent: This ordinance, insofar as is practicable, 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.

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

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

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

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

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

- (e) Protect against destruction of or encroachment upon historic areas;
- (f) 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;
- (g) Encourage economic development activities that provide desirable employment and enlarge the tax base;
- (h) Provide for the preservation of agricultural and forestal lands;
- (i) Provide for the orderly development of the County in order to conserve valuable natural resources including farmland, forests, dunes, wetlands, waters and wildlife;
- (j) Allow for the provision within the County of a supply of safe, sanitary housing, in suitable environments, with a balance and variety of types adapted to age groups and family structures;
- (k) Allow for the excavation or mining of soil or other natural resources; and
- (l) Reduce or prevent sedimentation and soil erosion from nonagricultural lands.

Section 1-7 Nonexclusionary Intent: It is not the intent of this ordinance to exclude any economic, racial, religious or ethnic group from enjoyment or residence, land ownership, or tendency within the County; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the County of economic, racial, religious or ethnic groups, except as may be the incidental result of meeting the purpose outlined in Section 1-6 herein.

Section 1-8 Territory Affected: This ordinance 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, by resolution, requested Northampton County to exercise zoning control over its corporate area and the Board of Supervisors, by resolution, has accepted such authority, in which case this ordinance shall also apply to all lands, wetlands, islands and water areas within the requesting municipality.

Section 1-9 Enumeration of Districts: For the purpose of this ordinance, those areas under County or Town Zoning Control, as determined in accordance with the provisions in Section 1-6 are hereby divided into the following zoning districts:

<u>Primary Districts:</u>	Agricultural/Residential District	"AR"
	Residential - 20 District	"R-20"
	Residential - 11 District	"R-11"
	Residential - Mixed District	"R-M"
	Residential - Mobile Home District	"MHP"
	Commercial - Neighborhood District	"CN"
	Commercial - General District	"CG"
	Commercial - Waterfront District	"CW"
	Industrial - Planned District	"PI"
	Industrial - Limited District	"IL"
	Industrial - General District	"IG"
<u>Supplementary Districts:</u>	Historic Preservation District	"HP"
	Flood Hazard District	"FH"
	Airport Protection District	"AP"
	Planned unit Development	"PUD"

Section 1-10 Provisions for Official Zoning 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 hereby made a part of this ordinance. The official zoning map shall be attested by the signature of the Chairman 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.

Section 1-10.1 Changes or Amendments: If, in accordance with the provisions of this ordinance, 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 (10) days after approval. Such 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 ordinance which involve matters portrayed on the official zoning map shall become effective immediately upon being 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 ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided under Article 4.6.

Section 1-10.2 Replacement: In the event that any or all of the official zoning maps 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, adopted a new official zoning map. 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. The new official zoning map shall be attested by the signature of the Chairman 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.

Section 1-11 Application and 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:

(a) 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.

(b) Boundaries indicated as parallel to or extensions of features indicated in subsection (a) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(c) 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.

(d) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of Article 6.

(e) 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 Article 6.

(f) 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 ordinance, then the existing zone shall govern.

Section 1-12 Application of District Regulations: The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

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

(d) 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) Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six (6) months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.

ARTICLE II
DEFINITIONS

Section 2-1 General Usage: For the purpose of this ordinance, certain words and terms are herein defined as follows.

Section 2-1.1: 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.

Section 2-1.2: The word "may" is permissive.

Section 2-1.3: The word shall is mandatory.

Section 2-1.4: Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Section 2-1.5: The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel".

Section 2-1.6: The word "used" shall be deemed also to include "designed", "erected", "reconstructed", "altered", "placed", or "moved".

Section 2-1.7: The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building".

Section 2-1.8: The word "State" means the Commonwealth of Virginia.

Section 2-1.9: 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.

Section 2-1.10: 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.

Section 2-1.11: The word "person" includes a firm, association, organization, partnership, trust, company, corporation, partnership and bodies politic and corporate as well as an individual.

Section 2-1.12: The words "Board of Appeals" shall mean the Board of Zoning Appeals of Northampton County, Virginia, and/or the incorporated town(s).

Section 2-1.13: The words "Planning Commission" shall mean the Planning Commission of Northampton County, Virginia, and/or the incorporated town(s).

Section 2-1.14: The words "Town Council" shall mean the governing body of the incorporated town(s).

Section 2-1.15: The term "Code of Virginia" shall include "as amended".

Section 2-1.16: The word "adjacent" means nearby and not necessarily

“contiguous”.

Section 2-2 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 hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this ordinance as set forth in Article 1, provided, however, that an appeal may be taken from any such determination as provided in Section 6-1.B.

Section 2-3 Specific Definitions:

Abattoir: A commercial slaughterhouse.

Access: A way or means of approach or admission.

Accessory Use or Structure: A use or structure which is (a) clearly incidental to and customarily found in connection with the principal use and structure; (b) is subordinate to and serves the principal use or structure; (c) is located on the same lot or parcel as the principal use or structure; (d) is not, in any case of accessory structures, attached by any common wall or by a common roof to a principal structure.

Accessory Dwelling Unit: A portion of a structure occupied by one (1) or more persons as tenants of the resident owner of the main structure.

Administrator, The: The Zoning Administrator of Northampton County and of incorporated towns under the jurisdiction of this ordinance.

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.

Agriculture: The use of land, buildings and structures for forestry, dairying, pasturages, field crops, vegetables, fruit or sod growth, horticulture, floriculture and the raising of livestock and poultry.

Airport: (includes airfields, flight strips, heliports, or glideports): 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 resident 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.

Base Flood/One-Hundred Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Base Flood Elevation (BFE): The Federal Emergency Management Agency designated 100 year water surface elevation.

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

Best Management Practices or BMPs: 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.

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 ordinance.

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 (buffer): An area or areas on a lot of record measured from the

property line(s) inward up to a specified width in which required screening is provided. No parking spaces, loading zones, paving surfaces or other structures are allowed within the buffer area.

Buffer or Screening: A device or natural growth, or a combination of, designed or used as a barrier to vision or noise between adjoining properties or land uses.

Buildable Area: The area of a lot or parcel remaining after required yards, open spaces, parking, loading and access areas have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support or closure 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 elevation of the ground surface along the front of the building to the highest point of the roof thereof.

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.

Carport: Any space outside a building and contiguous thereto wholly or partly covered by a roof, and used for the shelter of motor vehicles.

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 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. Such portion of a building shall not be used for habitation.

Chesapeake Bay/Atlantic Ocean Preservation Area or "CBAOPA": Any land designated by the Board of Supervisors pursuant to Part III of the Chesapeake Bay/Atlantic Ocean Preservation Area Designation and Management Regulations, VR 173-02-01, Section 10.1-2107 and Section 15.1-484 of the Code of Virginia. A Chesapeake Bay/Atlantic Ocean Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

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.

Club: An association of persons for the promotion of some common object, as literature, science, politics, good fellowship, etc., 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 widths 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 Flood Plain: Those portions of land within the Flood Hazard District, subject to inundation by the One Hundred Year Flood and wave action created by the flooding source, where detailed study data and profiles are made available by the Flood Insurance Study for the County of Northampton, Virginia, as prepared by the U. S. Army Corps of Engineers.

Coastal Primary Sand Dune: Hereinafter referred to as "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 ten per centum or greater to less than ten per centum, and upon any part of which is growing on July one, nineteen hundred eighty, or grows thereon subsequent thereto, anyone or more of the following: American beach grass (*Ammophilla breviligulate*); beach heather (*Hudsonia tometosa*); dune bean (*Strophostylis umbellata* var, *paludigena*); dusty miller (*Artemisia stelleriana*); saltmeadow hay (*Spartina patens*); sea rocket (*Cakile endentula*); seaside goldenrod (*solidago sempervirens*); and short dune grass (*Panicum ararum*). For purposes of this ordinance, "Coastal Primary Sand Dune" shall not include any mound of sand, sandy soil or dredge spoil which has been deposited by may for the purposes of the temporary storage of such material for later use.

Commercial:Any wholesale, retail, or service business activity established to carryon trade for profit.

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 sue 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 all amendments and elements.

Conceptual Development Plan: A required submission at the time of filing for an amendment to the Northampton County Zoning Map for all districts, prepared and approved in accordance with the provisions of Article 5-1 (b), which generally characterized the development of the subject property and its resulting impact on adjacent properties and/or county in general. Also known as a Preliminary Development Plan.

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.

County Resident Engineer: The Resident Highway Engineer of Northampton County, Virginia, of the Department of Highways and Transportation of Virginia, 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 times by hand not involving assembly line techniques.

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: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Diameter at 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 the Northampton County, Virginia, or his designed deputy or assistant.

District: Districts as referred to in Section 15.1-486, of the Code of Virginia, as amended.

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 one hundred square feet or more lying within one thousand 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.

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 dwelling unit.

Dwelling, Attached: One of two or more residential buildings having a common or party wall separating dwelling units.

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, 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 subelements 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 thirty-two 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 portable dwelling, designed for and occupied by one family only.

Dwelling, Temporary: As a portable dwelling but not necessarily attached to a permanent foundation.

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 six hundred square feet of residential floor area.

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

Engineer: A person licensed to practice as a professional engineer in the Commonwealth of Virginia.

Erected: Shall be taken to mean constructed, reconstructed, moved or structurally altered.

Existing Natural Plant Material: Refer collectively or individually to canopy trees, understory trees, shrubs, ground covers and grasses existing on a site which can be used to meet the screening requirements within a buffer area.

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.

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.

Farm: A parcel of five acres or more which is used for agricultural purposes.

Fast Food Establishment: See "Drive-In Eating Establishment".

Fence: 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 fire fighting equipment.

Fish Farming: The raising of fish; a form of aqua culture utilizing ponds or other scientific methods.

Flea Market: A retail establishment or area of land on which are sold second-hand or antique goods, a substantial proportion of which sales are on a consignment basis.

Flood 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.

Flood Plain: Continuous sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation as established and approved by Northampton County.

Flood-Prone Area: Any land area susceptible to being inundated by water from any source.

Frontage: Lot width at the building set back line along a public road, private road or access easement. (See "Lot Width")

Funeral Parlor: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for: (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation.

Garage, Private: An accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multi-unit dwelling, the private garage may be designated and used for the storage of one and one-half times as many automobiles as there are dwelling units.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repair, equipping, renting, selling or storing motor-driven vehicles.

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 non-commercial grain dryer is one in which the grain dried is primarily grown by the owner and/or operator of the facility.

Health Official: The Director of Health for Northampton County or his designated agent or deputy.

Historical Area: A building or group of buildings with accessory buildings and structures, including monuments and the lots on which they are found, to which the provisions of this ordinance apply.

Historical Structure:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Virginia inventory of historic places; or

(d) Individually listed on Northampton County's inventory of historic places.

Home Occupation: An occupation conducted in a dwelling unit or a dwelling accessory structure, provided that:

(a) No person other than members of the family residing on the premises shall be engaged in such occupation;

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the floor area of the dwelling unit or twenty-three percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated.

(d) There shall be no sales, other than items handcrafted in the premises in connection with such home occupation;

(e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential or rural neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;

(f) No equipment or process shall be used in such home occupation

which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, 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. Boarding and rooming houses, tourist homes and private educational institutions shall not be deemed home occupations.

Home-Owner's Association: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or home-owner is automatically a member, and (b) 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 (c) the charge if unpaid becomes a lien against the property.

Hospital, Sanitarium, Sanatorium: Any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatrics, orthopedics, skin cancer, mental, tuberculosis, chronic diseases and obstetrics. The term "hospital" shall also include sanitariums and sanitoriums including those where feeble-minded and mental patients, epileptics, alcoholics, simile psychotics and drug addicts are treated or cared for under the supervision of licensed medical personnel.

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.

Inns, General, and 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.

Inoperable Vehicle: A motor vehicle, trailer, or attachment thereto which is required by the State and County to display current license plates and/or meet safety standards as evidenced by display of an appropriate inspection sticker, which vehicle, trailer or attachment thereto does not display said 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.

Kennel, Commercial: A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

Landscape Material: Refers collectively or individually to canopy trees, understory trees, shrubs, ground covers and grasses existing on a site which can be used to meet the screening requirements within a buffer area.

Landscape Material Standards:

(1) Canopy tree- a tree which will grow to create a large canopy for other tree and shrubs to grow underneath. Installation size of a canopy tree will be a minimum of 2.5" in caliper and 8 to 10' in height. The caliper (diameter) of a proposed tree is measured 6" from grade and for an existing tree is measured 4'6" from grade.

(2) Understory tree- which will grow under the canopy of other trees. Installation size of an understory tree will be a minimum of 1.5" in caliper and 6' in height.

(3) Shrubs- a low to medium height multi-stemmed woody plant. Installation size will be a minimum of 3 to 5 gallon.

*All plants selected should be indigenous plants and SHOULD NOT BE ORNAMENTAL.

Livestock Market: A commercial establishment where livestock is collected for sale or in return for compensation.

Loading Space: Any off-street space available for the loading or unloading of goods, not less than fifteen feet wide, twenty-five feet long and fourteen 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 twelve 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 ordinance, having at least the minimum area required by this ordinance 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 area and other accessory uses. Lot area shall not include portions under water except where the total are of a body of water is within a lot.

Lot, Corner: A lot abutting on two or more roads, rights-of-way or access easements at their intersection of the two sides of a corner lot; the front of the lot shall be deemed to be the shortest 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 developments 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, 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: A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (See also "dwelling, double-wide or triple-wide, portable"; "dwelling, expandable, portable"; and "dwelling, portable"; in definition of manufactured home).

Manufactured Home Park/Subdivision: A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

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.

Massive or Community Subsurface Drainfield: A system used to receive sanitary waste in the ground, serving three (3) or more independent homes, structures or commercial units off site of the land, lot, or area being served; also known as a community, public, or central sewer system.

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.

Manufactured Home: A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square

feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (See also "Dwelling, double wide or triple wide, portable"; "dwelling, expandable, portable"; and "dwelling, portable"; in definition of manufactured home.)

Manufactured Home Park: Any area of ten acres or more designed to accommodate twenty-five or more mobile homes intended for residential use where residence is in mobile homes exclusively and lots are rented rather than sold.

Manufactured Home Trailer: A mobile home is an industrialized single-family dwelling unit designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor or incidental unpacking and assembly operation, location on jacks or permanent foundation, 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 subelements incorporated into a structure at the site.

Motor Lodge (Motel): One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Motorhome: 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")

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

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

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 ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

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.

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 Section 404 of the federal Clean Water Act, 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: The term "nursing home" includes rest homes, convalescent homes and homes for the aged, and shall mean a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

Off-Site: The term "off-site" describes a location on an area of land which is proximate to a parcel of land defined as "on-site".

Off-Street Parking Area or Parking Bays: Space provided for vehicular parking outside the dedicated street right-of-way.

On-Site: "On-Site" shall be construed to be 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.

Opaque (screening): A combination of screening elements, approved by the Zoning Administrator through the site plan review process, which substantially or completely obscures the horizontal views between abutting or adjacent properties during all seasons of the year. The use of evergreen plant material is beneficial to achieve this affect during winter months.

Open Space: Water or land left in undisturbed open condition or development as a landscaped area unoccupied by buildings, streets or parking lots, or occupied by approved commonly owned recreational facilities.

Parcel: Any tract of land or water not subdivided.

Parking Space: A space of sufficient size and shape to park one standard size

automobile and containing not less than one hundred eighty 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.

Plan of Development: The process for site plan or subdivision plan review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article, prior to any clearing or grading of a site or the issuance of a building permit.

Planned Unit Development: A cohesive development of mixed uses based on unit density in which conventional lot restrictions are lowered to provide a percentage of open space.

Planner; Land Planner: A professional person qualified to prepare development plans, site plans, and/or subdivision plats, who is either registered as such or who meets the standards of the American Planning Association.

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".

Poultry: Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, etc.

Present Tense: Words in the present shall include the future tense.

Private School: The term "private school" includes private schools, colleges, or universities, and private instructional/training institutions.

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 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: The term "public buildings" shall be considered for the purpose of this ordinance to be any building owned by a governmental organization such as a county, city, town, state or federal government. Such buildings may include city hall, a county courthouse, a state armory, a federal office

building, post office, an auditorium, a museum, an art gallery, a college or university, hospitals, clinics, schools, libraries, police and fire stations, etc.

Public Facilities: The term "public facilities" shall be considered for the purpose of this ordinance to be 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 Sewer 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 or county or service authority or by a person approved by the Board of Supervisors in accordance with Title 62.1 of the Code of Virginia, 1950, as amended, and licensed by the State Corporation Commission; including a master septic field system operated by a home owners' association.

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 or county or service authority or by a person approved by the Board of Supervisors and properly licensed by the State Board of Health in accordance with Title 62 of the Code of Virginia as amended, and licensed by the State Corporation Commission.

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.

Record, Recorded, Recording: Admission to record in the office of the clerk of a court of competent jurisdiction.

Recreation Area, Commercial: Any establishment operated as a commercial enterprise in which seasonal facilities related to outdoor recreation area 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 recreation 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 Vehicle: A vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck or vehicle; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Redevelopment: The process of developing land that is or has been previously developed.

Rehabilitation and Group Homes or Centers: Facilities to restore persons to a state of physical, mental or moral health through treatment and training.

Required Open Space: Any space required in any front, side or rear yard.

Resource Management Area or "RMA": That component of the Chesapeake Bay/Atlantic Ocean 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.

Resource Protection Area or "RPA": That component of the Chesapeake Bay/Atlantic Ocean 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 or for diminishing the functional value of the Resource Protection Area.

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.

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, florists, opticians, music and radio stores, tailor shops, barber shops and beauty shops.

Road: See "street" as defined in this section.

Saltwater Intrusion: Displacement of fresh surface water or groundwater by the advance of sea water, sometimes caused *by* overdraft of a well.

Sanitary 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.

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 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.

Screening (elements): Various combinations of walls, fences, earthen berms, landscape materials and existing natural plant materials which fulfill the requirements within a buffer area and approved by the Zoning Administrator.

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-opaque: A combination of screening elements, approved by the Zoning Administrator through the site plan review process, which partially obscures horizontal views between abutting or adjacent properties during all seasons of the year. The use of evergreen plant material is beneficial to achieve this affect during winter months.

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 commercial establishments, planned, developed, 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.

Shoreline or Tidal Shore: The line where open tidal waters at Mean Sea Level (MSL) and/or vegetated wetlands, as defined under "Northampton County's Wetlands Ordinance", abut dunes, fastlands, or beach areas.

Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combination thereof, by any means whereby such letters, etc., 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, 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 fact. 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 action advertised and shall be removed within forty-eight 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, on 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 directs attention to a product, commodity, or service not necessarily available on the premises, over one hundred square feet.

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 the 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, one hundred 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 anyone side of such sign may be different from any other side.

Sign, Subdivision or Entrance: A sign, not illuminated, sixty 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 anyone 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 twelve inches from the surface of the building on which it is erected; such sign may be illuminated.

Site Development Plan: Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information required by this ordinance.

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.

Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Store: See "Retail Stores and Shops" as defined in this section.

Story: That portion of a building, other than the basement, included 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 of 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 one hundred feet is required.

Street (Collector): A street that carries or is anticipated to carry a volume of through traffic exceeding four hundred vehicles per day, the right-of-way of which shall not be less than fifty feet nor more than eighty feet depending upon existing or anticipated traffic volume.

Street (Interstate): A highway utilized to carry interstate traffic with a minimum right-of-way of three hundred feet in rural areas and carrying capacity in excess of one thousand five hundred vehicles per lane per hour.

Street (Local): A street that carries or is anticipated to carry a volume of traffic less than four hundred vehicles per day, the right-of-way of which shall not be less than fifty feet.

Street (Major Collector): A street that carries or is anticipated to carry a volume of traffic exceeding three thousand vehicles per day, the right-of-way of which shall not be less than sixty feet nor more than one hundred ten feet.

Street (Major Highway): Any arterial, interstate, major collector, or primary street or highway as defined in this section.

Street (Primary): A street or highway anticipated to carry a volume of traffic exceeding three thousand 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 eighty feet or more than one hundred sixty 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 forty 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 forty feet.

Street (Rural): A street having a minimum right-of-way of forty feet located in areas or subdivisions divided into parcels of two acres or more, excepting streets carrying or anticipating 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 where 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 of the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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".

Theater, 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, dramas by actors and/or actresses.

Tidal Wetlands: Vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia.

Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen persons (see also "hotels" and "boarding and rooming houses" as defined in this section) and open to transients.

Townhouse: 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 townhouses having the

same architectural facades and treatment of materials and with not more than three abutting townhouses having the same front and rear setbacks. Minimum setback offset shall be not less than one foot.

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 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 twenty-nine feet in length and less than four thousand five hundred pounds in weight which is designed for temporary human habitation.

Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

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.

Variance: A variance is a relaxation of the terms of the zoning ordinance where such relation 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 the ordinance would result in unnecessary an undue hardship. As used in this ordinance, 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, nor shall a variance be granted because ,of the presence of nonconformities in the zoning district or adjoining zoning districts.

Water-dependent Facility: A development of land that cannot exist outside of 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 (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) 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: Tidal and nontidal wetlands.

ARTICLE III
NONCONFORMING USES

Section 3-1 Intent: Some existing lots, uses, structures, or combinations of uses and structures will not meet the requirements set out by this ordinance for districts. These nonconformities are declared by this ordinance to be incompatible with the requirements of the districts. It is the intent of this ordinance to permit nonconformities to continue until they are removed or discontinued but not in any way to encourage their survival; nor to permit their enlargement, expansion, or extension; nor to permit their use as a grounds for adding other structures or uses which would be prohibited in the district involved.

Section 3-2 Continuation (see also Article 22):

(a) Uses - If, at the time of enactment of this ordinance, 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 ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures and general outdoor advertising signs that become nonconforming because of a rezoning have twenty-four months within which to be relocated in a permitted area.

(b) Lots of Record - If, at the time of enactment of this ordinance, there is a legal lot or parcel which does not meet the minimum lot area requirement within a district of record; 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 ordinance, and provided further the requirements for minimum set-backs can be met. Variances of yard requirements must be decided upon by the Board of Zoning Appeals in accordance with Article VI.

(c) Structures - Where a lawful structure exists at the time of enactment of this ordinance that could not be built in the district in which it is located under the terms of this ordinance 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 or altered in any 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 district in which it is located.

(3) Should a nonconforming structure, portion of the nonconforming structure, or nonconforming portion of a structure, other than a single family dwelling unit, be damaged or destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. If damage or

destruction amounts to less than fifty percent of the replacement cost at the time of destruction, a structure or portion thereof may be reconstructed or restored provided its degree of nonconformity is not increased beyond that which existed just prior to such damage. If the provisions of this ordinance cannot be met, the owner or owners of the structure may apply for a variance from the Board of Zoning Appeals.

(d) Restoration - The cost of land or any factors other than the cost of structure are excluded in the determination of the cost of restoration for any structure or activity devoted to a nonconforming use.

(e) Historic and single-Family Structures - If a nonconforming structure be a single-family dwelling or a historic structure or area as herein defined, it may be restored or replaced regardless of the Percentage of destruction, except in those cases where the single-family dwelling exists within a designated Flood Hazard Area, Article 22 shall apply.

(f) 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 nonbearing walls, fixtures, wiring or plumbing, to such extent that the structure is kept in a usable condition. Nothing in this ordinance 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 such official.

Section 3-3 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 this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

(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 two years or more prior to the effective date of the ordinance are excluded.

(e) All nonconforming uses shall be issued a Certificate of Occupancy within six months after the adoption of this ordinance.

(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 Article.

Section 3-4 Provisions for Special Uses: Any use of a structure which exists at the time of enactment of this ordinance 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 ordinance as a "special use" when expansion, enlargement or modification is proposed.

ARTICLE IV
ADMINISTRATION AND ENFORCEMENT

Section 4-1 Zoning Administrator: This ordinance 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 ordinance.

Along with his deputies and inspectors, the Zoning Administrator is hereby empowered to enter and go upon any private or public property in the County for the purpose of inspecting for compliance with this ordinance 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.

Section 4-2 Zoning Clearance: It shall be unlawful to use land or structures or to alter or erect structures until a zoning clearance is obtained from the Zoning Administrator. If an activity requires a building permit, the Zoning Administrator shall review the application for the zoning clearance and sign off on the building permit before such permit is issued. Where site plan review is required, the application for zoning clearance may be incorporated into the application for site plan review, in which case the requirements for site plan review in Article 24 herein shall apply. The intent of the zoning clearance is to show that land, and uses of land and structures are in conformity with the provisions of this ordinance.

(a) Application for Zoning Clearance - An application for zoning clearance shall contain the following:

- (1) Name, address, and phone number of the applicant.
- (2) Signature of the applicant attesting to the truth of all information required.
- (3) Zoning district.
- (4) Three plot plans 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.
- (5) Such other information as may be required by the Zoning Administrator in order for him to determine conformance with this ordinance.

(b) Approval of Zoning Clearance - Within thirty days of receipt of the application, the Zoning Administrator shall approve or disapprove the application. One copy of the plot 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 permit and/or site plan approval.

Section 4-3 Special Use Permits: The Board of Supervisors may grant a special use permit where such special use or structure is permitted by the terms of this ordinance. The Board of Supervisors may grant, deny, or grant conditionally the permit.

(a) 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:

(1) The applicant shall submit an application to the Board of Supervisors through the Zoning Administrator in the same manner as in requesting a zoning clearance. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met.

(2) The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate a recommendation to the Board of Supervisors.

(3) Within sixty days of the first meeting of the Board of Supervisors after receipt of the application, the Board of Supervisors shall hold a public hearing after notice in accordance with Section 15.1-431 of the Code of Virginia, as amended.

(4) The Board of Supervisors shall review the recommendation of the Zoning Administrator or any other reports, visit the site if appropriate, and meet with the applicant.

Section 4-3.1 Conditions and Bonds: The Board of Supervisors may impose conditions, limitations, or other special requirements as it deems 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) are 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) After due consideration, the Board of Supervisors shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or special conditions.

(f) Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal. Furthermore, the Board of Supervisors may require a bond, in a reasonable amount determined by the Board

of Supervisors to insure compliance with the terms and conditions of any special use permit.

Section 4-3.2 Review Standards: The Board of Supervisors shall consider the following in reviewing a special use application:

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

(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.

Section 4-3.3 Effect of Approval: 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. No deviations, expansion, or other changes whatsoever shall be made from the term of the special use permit without the express written consent of the Board of Supervisors. The approval of special use permits shall be valid for a period of eighteen (18) months after the date of approval by the Board of Supervisors. Within the eighteen (18) month period, a building permit and/or zoning clearance shall have been approved and issued and construction or use commenced within one (1) year thereafter. Failure to comply with the above requirement shall cause the subject's special use permit to be null and void and the holder of said special use permit shall be so notified. This time provision does not apply to special use permits approved prior to the effective date of this amendment.

Section 4-3.4 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 special use within a period of twelve (12) months from the date of the original denial by the Board of Supervisors.

Section 4-4 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 ordinance, only upon the obtaining of a special use permit from the Board of Supervisors. The Board of Supervisors shall issue a permit for such use if it finds that the use for which the permit is sought:

(a) 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;

(b) Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use;

(c) Will not be detrimental to public welfare or injurious to property or improvements in the neighborhood;

(d) Will be in accord with provisions of the ordinance 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;

(e) Will not adversely affect surface or ground water.

Section 4-5 Enforcement: All departments, officials, and public employees of Northampton County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. Any permit issued in conflict with the provisions herein shall be null and void.

Section 4-6 Violations: Any person may file a written complaint with the Zoning Administrator concerning violation of this ordinance. Such complaint shall state fully the causes and basis thereof. If the Zoning Administrator finds upon investigation that any of the provisions of the ordinance are being violated, he shall 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 ordinance. 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.

Section 4-7 Penalties: Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating or causing or permitting the violation of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than ten dollars (510.00) nor more than one thousand dollars (51,000.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day the offense continues, or is permitted by such person, firm, or corporation and shall be punishable as herein provided.

section 4-8 Fees and Charges: The following fees shall be imposed at the time of application for the following zoning matters.

- A. Zoning Map Amendments - 5340.00
- B. Special Use Permits - 5150.00
- C. Variances - \$100.00
- D. Appeals - 5100.00
- E. Zoning Clearances at the time of building permit application or otherwise - .05/sq. ft. - new construction only
- F. Site Plan Submittals as required under Article 25 - Actual cost of processing with a \$00.00 initial down payment.
- G. Planned Unit Development Petitions - Actual cost of processing with a \$500.00 initial down payment.

ARTICLE V
AMENDMENTS AND APPEALS

Section 5-1 Amendments to the Zoning Ordinance: The Board of Supervisors and Town Council of the jurisdiction of the ordinances may, from time to time, after examination, review and public hearing herein, amend, supplement, modify, or repeal the provisions herein or subsequently established.

(a) Initiation of Amendments - Proposals for amending this ordinance may be initiated by resolution of the Board of Supervisors, or Town Council by motion of the Planning Commission, or by application of the owner, contract owner, or optionee of the subject property in Northampton County.

(b) Procedure for Amending - In order for the provisions of Section 7-1 to be interpreted relative to any given zoning map amendment; specific information is needed for the evaluation and testing of said zoning map amendment. Therefore, in keeping with title 15.1, Chapter 11, Article III and VIII of the Virginia State Codes, as amended, the following information shall be submitted along with the standard petition for rezoning of land in Northampton County. However, such development plan or portions thereof need not be submitted where the Director of Planning has determined that such plan or portion thereof is not necessary to the adequate review of the rezoning application.

(1) Two (2) copies of an application on forms provided by the county, completed and signed by the applicant.

(2) Two (2) copies of a certified plat of the subject property with the boundaries outlined in red. The certified plat shall show:

- a. Metes and bounds of all property lines, and bearings and distance of each zoning district.
- b. Total area of property presented in square feet or acres.
- c. Scale and north arrow.
- d. Location of all existing buildings and structures.
- e. Names and route numbers of all boundary roads or streets, and the width of existing right(s)-of-way.
- f. Seal and signature of person preparing the plat.

(3) Two (2) copies of a legal description of the property, including metes and bounds of each zoning district proposed.

(4) One (1) copy of the current Northampton County Zoning Section Sheet(s) covering the area of the application, one inch equals five hundred feet (1"=500'), showing:

- a. Boundaries of the subject property outlined in red.
- b. Major thoroughfare access to the property and any

known plans for future widening as indicated in the adopted comprehensive plan or a plan prepared by the Virginia Department of Highways and Transportation.

If more than one (1) Zoning Section Sheet is required to cover the subject property, such sheets shall be attached so as to create an intelligible map.

(5) An application filed by an agent, contract purchaser or lessee shall include a written statement signed by the property owner indicating his endorsement of the application.

(6) Three (3) copies of a written statement of justification, dated and signed and the following information:

a. Existing topography with a maximum contour interval of five (5) feet.

b. A schematic land use plan, at the appropriate scale, showing the proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths; all proposed major open space areas; limits of clearing; the general location of all proposed community and public facilities and the generalized proposed plan for all water, sanitary waste facilities and drainage improvements.

c. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

d. A statement explaining the relationship of the development to the adopted comprehensive plan of the county.

e. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measure of screening in accordance with the provisions of Article 25, and dimensions of all peripheral yards that will be provided.

f. A statement setting forth the maximum height of all proposed buildings in the development, and the general location of all those buildings where the height is proposed to exceed forty (40) feet.

g. A statement or presentation setting forth the maximum number of dwelling units proposed, and the density and the open space calculations.

h. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

i. A statement of those special amenities that are proposed within the development.

j. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.

k. A statement setting forth the proposed approximate development schedule.

l. Any additional information that the applicant may desire to proffer in the consideration of the application.

m. Where applicable, any other information as may be required by the provisions of Article 7.1.

(7) If the proposed amendment is for rezoning to a PUD district, twenty-eight (28) copies of a development plan as provided for in Article 21.

(8) An application fee as provided for in Section 7-1.

(9) A fiscal (cost/revenue) study of the impact on the county.

(10) Evidence of submitting necessary information to the staff of the State Water Control Board or State Health Department, as appropriate, regarding any sanitary outfall, package plant, lagoon system or massive drainfield.

(11) Any proffers which the applicant may wish to present to ease any detrimental impact on the county.

The application will not be judged complete by the Director of Planning and Zoning until such information is received and deemed complete. Once deemed complete, the director shall have thirty (30) calendar days to review such information and prepare a staff report after which the required public hearing can be scheduled before the planning commission under applicable laws governing same.

(12) After notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, the Planning Commission shall consider the proposed amendment and submit a recommendation, along with plats and explanatory materials to the Board of Supervisors. If the Commission

fails to submit a recommendation to the Board of Supervisors within sixty (60) days of the first meeting of the Planning Commission after the proposed amendment has been referred to it, the Planning Commission shall be deemed to have approved the proposed amendment.

(13) The Board of Supervisors or Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, and shall take action within (60) days from the date of the public hearing. The Councilor Board of Supervisors, and the Planning Commission may hold a joint public hearing.

(14) After the public hearing, the Board of Supervisors or Town Council may make appropriate changes or corrections in the proposed amendment provided that no additional land may be zoned to a different classification than was contained in the public notice required by Section 15.1-431 of the Code of Virginia, as amended.

(15) Each motion of intent to amend by the Board of Supervisors, Town Councilor Planning Commission shall state the public purpose therefore.

Section 5-2 Special Conditions: In addition to the regulations provided for the zoning districts by this ordinance, the Board of Supervisors or Town Council 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 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 (Code of Virginia, Section 15.1-491 (a), as amended).

Section 5-3 Reconsideration of Applications: A property owner or other petitioner to amend this ordinance may not submit substantially the same application for amendment within a period of twelve (12) months from the date of the original denial by the Board of Supervisors.

Section 5-4 Appeals: Any persons or agency allegedly aggrieved by a decision, order, requirement, or determination of the Zoning Administrator in the administration or enforcement of this ordinance may appeal such decision to the Board of Zoning Appeals in accordance with the provisions of Article 6 hereof.

Any persons or agency allegedly aggrieved by a decision, order requirements, or determination of the Board of Zoning Appeals, the Board of Supervisors, Town Councils or any other officers, department or Board of Northampton County may appeal such decision to the Circuit Court of Northampton County, Virginia, in the manner prescribed by Virginia State Law.

Section 5-5 Withdrawal of Rezoning Petitions: A petitioner for rezoning may withdraw his petition from consideration prior to the Planning Commission, Board of Supervisors, or Town Council's action, if said Planning Commission, Board of Supervisors, or Town

Council permit such withdrawal "Without Prejudice" and not be affected by Section 5-3 above.

ARTICLE VI
BOARD OF ZONING APPEALS

Section 6-1 Composition of Board of Zoning Appeals: A Board of Zoning Appeals consisting of five members shall be appointed by the Circuit Court of Northampton County, Virginia. The term of office of the original members of the Board of 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 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 or Town Council.

Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term. A member whose term expires shall continue to serve until the successor is appointed and qualified. Members shall be removed for cause as provided in Section 15.1-494 of the Code of Virginia, as amended.

Section 6-2 Procedures: The Board of Zoning Appeals shall follow the procedures as provided in section 15.1-494.

(a) The Board of Zoning Appeals shall adopt rules as it may deem necessary to carry out the duties imposed by this ordinance, such rules being in accordance with the provisions of this ordinance and other ordinances of the County, Town and general laws of the State of Virginia.

(b) The Board of Zoning Appeals shall elect annually a Chairman and Vice-Chairman from its own membership. The Chairman may administer oaths and compel the attendance of witnesses. The Vice-Chairman shall act in the absence of the Chairman.

(c) The meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other time as a quorum of the Board of Appeals may determine.

(d) All meetings of the Board of Zoning Appeals shall be open to the public.

(e) 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.

(f) The concurring vote of a majority of the members shall be necessary to reverse any decision, order, requirement, or determination of an administrative official or to decide in favor of the application on any matter which comes before the Board of Zoning Appeals.

(g) Any member of the Board of Zoning Appeals shall be disqualified to act upon a matter before the Board of Zoning Appeals with respect to property in which the member has an interest.

(h) A quorum shall be at least three members.

Section 6-3 Powers and Duties: The powers and duties of the Board of Appeals shall be the following. as provided by Section 15.1-405 of the Code of Virginia as amended:

(a) Administrative Review - The Board of Appeals shall hear and decide appeals from any decision. order, requirement, or determination of any administrative official in the administration or enforcement of this ordinance.

(b) Appeals - An appeal to the Board of 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 appeals shall be taken within thirty days after the decision appealed from and shall follow this procedure:

(1) Applications specifying the grounds for appeal shall be filed with the Secretary of the Board of Appeals who shall refer the application to the Board of Appeals and to the Zoning Administrator.

(2) The Zoning Administrator shall transmit to the Board of Appeals all the paper constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certified to the Board of 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 Appeals or by a Court of Record, on application and notice to the Zoning Administrator and for good cause shown.

(4) The Board of Appeals shall fix a reasonable time for the hearing of appeals or other matter referred to said Board. After notice and public hearing as required by Section 15.1-431 of the Code of Virginia, as amended, the Board of Appeals shall decide the matter within sixty days from the date of such public hearing.

(5) Each application for an appeals 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.

(6) In exercising its powers, the Board of Appeals may in conformity with the provision of this ordinance, reverse or affirm, wholly or in part, or may modify the decision, order, requirements, or determination of the Zoning Administrator and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a zoning clearance.

(c) Variances - The Zoning Administrator may grant upon appeal or original application, a variance from any building setback requirement only as provided for under Section 15.1-491.2 (d) of the Virginia State Code, as amended. Failure to comply transfers the request to the Board of Zoning Appeals.

The Board of Zoning Appeals may grant upon appeal or original application in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision will result in unnecessary hardship; provided that the spirit of this ordinance shall be observed and substantial justice done. In authorizing a variance, the Board of 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 Appeals has held a public hearing and given public notice in accordance with section 15.1-431 of the Code of Virginia, as amended. No variance shall be granted until the Board of Appeals finds and is satisfied that:

(1) The property owner acquired his property in faith but by reason of the exceptional narrowness, shallowness, size, or shape of the specific piece of property at the effective date of this ordinance; 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 ordinance would effectively prohibit or unreasonably restrict the use of the property or there exists a clearly demonstrate hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

(2) That the strict application of this ordinance would produce undue hardship.

(3) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(4) 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.

(5) 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 ordinance.

(6) variance in the Flood Hazard District - No variance shall be authorized within any established Flood Hazard District unless the Board finds that the requested variance complies with the following:

a. Variances may be issued by the Board for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (2), (3), (4), and (5) of the section.

b. Variances shall only be issued by the Board upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances shall only be issued upon a determination that the variance is in the minimum necessary, considering the flood hazard, to afford relief.

d. The Board shall notify the applicant in writing over the signature of the Zoning Administrator that (i) the issuances of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance action as required in this section; and

e. The Board shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual report submitted to the Administrator (Federal Insurance).

(d) Interpretation - Interpretation of the Zoning District boundaries - The Board of 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 Appeals shall interpret the map in such ways as

to carry out the intent and purpose of this ordinance 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.

Section 6-4 Appeals from the Board of Appeals: Any person or persons, taxpayer, officer, department, board, or bureau of Northampton County jointly or severally aggrieved by any decision of the Board of Appeals may present to the Circuit Court of Northampton a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the Board of Appeals.

(a) 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 defense attorney, which 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 Appeals, and due cause shown, grant a restraining order.

(b) While not required to return the original paper acted upon by it, the Board of Appeals may be required by such writ to return certified sworn copies thereof or of portions thereof. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision, appeals from, and shall be certified.

(c) 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 continue a part of the proceedings upon which the determination of the court shall be made.

(d) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

ARTICLE VII ZONING
GUIDELINES

Section 7-1 Intent: In the process of considering the rezoning of land, it is the intent that in order to meet the test of reasonableness and the test of like land treated alike, the following factors shall be considered before zoning 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.

Section 7-2 Supplemental Considerations and Regulations: Rapid development of employment, residential and commercial facilities in Northampton County and the resulting impact on existing public facilities, highways and other necessary public facilities and services and natural resources could exceed the County's ability to provide for such facilities. Therefore, under authority of Article 5.2 of this ordinance and Section 15.1-491 of the Code of Virginia, as amended, the Governing Body may impose conditions, including reasonable employment limitations, to ease the effect of rezoning land on the general public and on the County's natural resources.

Section 7-2.1 Conditions: In addition to the regulations herein provided for the respective zoning districts, the governing body may adopt as a part of an amendment to the zoning map reasonable conditions provided that said conditions shall have been proffered in writing in advance to the public hearing on said amendment to the zoning map amendment, and provided that said conditions are accepted by the governing body as a condition to said amendment of the zoning map. Said accepted conditions shall be recorded in the records of the circuit court and run with the land until changed as a result of another rezoning Approval or amended with the approval of the land owners and governing body. (See Article 5-2).

Section 7-3 Conditional/Contractual Zoning - Procedure:

(a) 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 Article 7-1 herein 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.

(b) The Director's report, if found proper, shall indicate those conditions that are deemed necessary to ease the impact on the County.

(c) 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 their recommendations on the zoning petition to the Board of Supervisors or Town Council for action.

(d) 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 his agreement or non-agreement with the recommended conditions. Said proffer shall be addressed to the Chairman, Northampton County Board of Supervisors or Town Council, as the case may be.

(e) Once there is an agreement on the proffered conditions by the Board of Supervisors or Town Council and the petitioner and the rezoning petition is approved with said proffered conditions, said proffers shall be recorded in the Clerk of the Circuit Court's office as a lien on said property involved in the Rezoning petition and shall run with the land until removed by the Board of Supervisors or Town Council as a result of an amendment to the original application or as a result of a subsequent rezoning petition.

ARTICLE VIII

"AR" - AGRICULTURE RESIDENTIAL DISTRICT

Section 8-1 Intent: The "AR" District is intended to provide for a low density rural residential development and to maintain agriculture activity where such development and activity presently exists or where the County wishes to encourage such development to implement the adopted land use concept.

Section 8-2 Permitted Principal Uses and Structures: The following uses and structures shall be permitted as a matter of right in the "AR" District, subject to the other requirements of this ordinance:

- (a) Single-family, modular and sectional dwellings.
- (b) Agriculture, including the growing of fruit, forest, field and vegetable crops, but excluding grain dryers, feeder lots, dairy barns, poultry and hog houses and farms and other structures or areas involving the concentrated handling or containment of animals or fowl and on-premise wayside stands.
- (c) Accessory uses and structures.
- (d) Condominiums, subject to Section 26.14.
- (e) Conservation areas, including wildlife reservations and forests.
- (f) Churches.
- (g) Hunting blinds and daytime outdoor recreation.
- (h) Summer cabins for seasonal (not permanent or year-round) occupancy.
- (i) Signs, as permitted and regulated in Section 23 of this ordinance.
- (j) Public and private non-commercial playgrounds, parks,

golf courses, country clubs, beaches, boat landings, community centers, swimming pools, marinas, including dry storage, fueling or repair and other outdoor and water oriented recreation facilities, with site plan approval.

(k) Drainage, erosion and flood control structures.

(l) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

(m) Cluster developments, subject to Section 26.12 hereof.

(n) Home occupations as defined.

(o) Mobile homes, individual, with permanent foundation or otherwise subject to Section 26-16.

Section 8-3 Special Uses and Structures: The following uses may be permitted as a special use in the "AR" District:

(a) Schools, public and private.

(b) Memorial burial parks.

(c) Hospitals, nursing homes and medical clinics.

(d) Day Care Centers.

(e) Public Utilities: Public water and sewer transmission main trunk lines and treatment facilities, including pumping stations, massive or, community subsurface drainfields; electric power transmission and distribution substations and transmission lines and powers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.

(f) Public service facilities such as firehouses and government offices and schools.

(g) Rehabilitation and Group Homes or Centers.

(h) Wayside stands - off premises.

(i) Crafts and cottage industries.

(j) Mobile homes, individual, with opposition.

(k) Airports and airstrips, public and private.

- (l) Migrant labor camps.
- (m) Dairy, commercial poultry, and hog farm and feeder lots.
- (n) Commercial kennels and campgrounds.
- (o) Riding and boarding stables.
- (p) Sanitary landfills.
- (q) Shellfish and crab processing facilities.
- (r) Sand/earth borrow pits.
- (s) Rooming and boarding houses.
- (t) Inns - General, and Bed and Breakfast.
- (u) Fraternal, civic, and patriotic clubs and organizations.
- (v) Enclosed, sit-down restaurants.
- (w) Fish farming.
- (y) Professional office.
- (z) Receiving, packing, shipping and storage facilities for agricultural and silvicultural products

(AS AMENDED APRIL 12, 1989)

Section 8-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- (a) Minimum Area - None
- (b) The minimum lot size for permitted residential development shall be five (5) acres except:
 1. as provided for under Planned Unit Development (Article 21.3d (1)); or
 2. as provided for under Cluster Development (Article 26-15); or
 3. that the minimum lot size may, at the discretion of the owner thereof, be reduced to not less than one (1) acre as follows:

Parcel Size	Permitted Number of Lots of 1 A. or Greater but Not More than 5 Acres
1 to 7 ac.	1 plus residue parcel of not less than 1 acre
7 to 27 ac.	2
27 to 53 ac.	3
53 to 84 ac.	4
84 or more	5

Any additional residential lots within any such parcel shall be not less than five (5) acres in size.

(c) Lot Width, Minimum - The minimum lot width at the required building line shall be as found below:

Lot Size	<u>Minimum Lot Width</u>
1 plus acre to 2 acres	125 feet
2 plus acres to 3 acres	200 feet
3 plus acres to 4 acres	250 feet
4 plus acres or more	300 feet

(d) Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	100 ft.	100 ft.
(2) From other Access-ways	75 ft.	75 ft.
(3) Rear Yard (standard & Protected coves)	45 ft.	10 ft.
(4) Side Yard	25 ft.	10 ft.
(5) Shoreline (exposed waterfront)	100 ft.	None Required

(e) Height, Maximum - Dwellings: Thirty-five feet. (See Section 26-8)

(f) Corner Lots - Of the two sides of a corner lot, the front 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 forty-five feet or more for both primary and accessory structures.

(g) In cases where a home is to be built in an established residential area, the minimum setback of seventy-five feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

Section 8-5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 24 hereof.

ARTICLE IX
"R-20" - RESIDENTIAL DISTRICT

Section 9-1 Intent: The "R-20" District is intended to provide for suburban density residential development where such development presently exists or where the County wishes to encourage such development.

Section 9-2 Permitted Principal Uses and Structures: The following uses and structures shall be permitted as a matter of right in the "R-20" District, subject to the other requirements of this ordinance:

(a) Single-family dwellings, including summer homes, modular and sectional dwellings.

(b) Accessory uses and structures.

(c) Agriculture, including the growing of forest, fruit, field and vegetable crops, but excluding grain dryers, feeder lots, dairy barns, agricultural lagoons, poultry and hog houses and other structures or areas involving the concentrated handling or containment of animals or fowl.

(d) Conservation areas, including wildlife reservations and demonstration forests.

(e) Signs, subject to the provisions of Section 23 hereof.

(f) Home occupations, as defined.

(g) Drainage, erosion and flood control structures and devices.

(h) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

(i) Cluster Development, subject to Section 26-12 hereof.

(j) Churches.

(k) Country Clubs, golf courses, boat landings, swim and tennis clubs.

(l) Condominiums, subject to Section 26-14.

(m) Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition.

Section 9-3 Special Uses and Structures: The following principal uses and structures may be permitted as a special use in the R-20 District in accordance with the provisions of Section 4 hereof.

(a) Day Care Centers.

(b) Rehabilitation and Group Homes or Centers.

ARTICLE X
"R-11" - RESIDENTIAL DISTRICT

Section 10-1 Intent: This residential district and its regulations are intended to protect the essential residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. It is the further intent that this district serve in and around incorporated towns within the County and be served with public or central water and sewer systems.

Section 10-2 Permitted Principal Uses and Structures:

- (a) Single-family, Modular and Sectional dwellings.
- (b) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- (c) Home occupations, as defined.
- (d) Churches, as defined.
- (e) Signs as permitted under Article 23 hereof.
- (f) Accessory uses and structures.
- (g) Cluster development, subject to Section 26-12 hereof.
- (h) Condominiums, subject to Section 26-14.
- (i) Drainage, erosion and flood control structures.
- (j) Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition.

Section 10-3 Special Uses and Structures:

- (a) Day Care Centers and Nurseries.
- (b) Public and private schools
- (c) Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities, including pumping stations, massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission pipelines and pumping stations, unmanned telephone exchange centers, microwave and radio transmission and relay towers and substations.
- (d) Parks and playgrounds, country clubs, golf courses, swim and tennis clubs.
- (e) Duplex units.

ARTICLE IX
"R-20" - RESIDENTIAL

Section 9-1 Intent: The "R-20" District is intended to provide for suburban density residential development where such development presently exists or where the County wishes to encourage such development.

Section 9-2 Permitted Principal Uses and Structures: The following uses and structures shall be permitted as a matter of right in the "R-20" District, subject to the other requirements of this ordinance:

- (a) Single-family dwellings, including summer homes, modular and sectional dwellings.
- (b) Accessory uses and structures.
- (c) Agriculture, including the growing of forest, fruit, field and vegetable crops, but excluding grain dryers, feeder lots, dairy barns, agricultural lagoons, poultry and hog houses and other structures or areas involving the concentrated handling or containment of animals or fowl.
- (d) Conservation areas, including wildlife reservations and demonstration forests.
- (e) Signs, subject to the provisions of Section 23 hereof.
- (f) Home occupations, as defined.
- (g) Drainage, erosion and flood control structures and devices.
- (h) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- (i) Cluster Development, subject to Section 26-12 hereof.
- (j) Churches,
- (k) Country Clubs, golf courses, boat landings, swim and tennis clubs.
- (l) Condominiums, subject to Section 26-14.
- (m) Mobile homes, individual, with petition subject to Section 26- H).

Section 9-3 Special Uses & Structures: The following principal uses and structures may be permitted as a special use in the R-20 District in accordance with the provisions of Section 4 hereof.

- (a) Day Care Centers.
- (b) Rehabilitation and Group Homes or Centers.
- (c) Public services, facilities such as firehouses, rescue stations, government offices, schools and parks, postal facilities.
- (d) Mobile homes, individual, with opposition.
- (e) Public Utilities: Public water and sewer transmission mains, trunk lines and treatment facilities, including pumping stations, massive or community subsurface drainfields; electrical power transmission and distribution Substations and transmission lines and towers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- (f) Funeral homes.
- (g) Stabling of horses by the landowner, subject to:
 - (1) A minimum of one acre per horse, exclusive to the minimum lot area required for the permitted home.
 - (2) With proper drainage of confinement area approved by the Area Conservationist of the Soil Conservation Service.
 - (3) The horses must be for the enjoyment of the property owner obtaining approval and no racetrack or training facility is to be installed or constructed.
 - (4) That the operation must at all times comply with Health Department standards to prevent contamination of groundwater.
- (h) Rooming and Boarding Houses.
- (i) Inns, General, and Bed and Breakfast.
- (j) Memorial and Burial Parks

Section 9-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- (a) Minimum Area - None required.
- (b) Lot, Minimum Lot Size - Minimum lot size for permitted residential subdivision and dwellings shall be twenty thousand (20,000) square feet.
- (c) Lot Width - The minimum lot width shall be eighty feet at the building site.

(d) Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Rt. 13	100 ft.	100 ft.
(2) From other Access-ways	60 ft.	60 ft.
(3) Rear Yard (standard & protected coves)	35 ft.	6 ft.
(4) Side Yard	15 ft.	6 ft.
(5) Shoreline (exposed waterfront)	100 ft.	None Required

(Note: 75' shoreline setback applies to all subdivisions recorded prior to October 13, 1987.)

(e) Height, Maximum - The maximum height for dwellings shall be 35 feet. (See Section 26-8)

(f) Corner Lots - Of the two sides of a corner lot, the front 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 thirty-five feet or more for both primary and accessory structures.

(g) In cases where a home is to be built in an established residential area, the minimum setback of sixty feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

Section 9-5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Section 24 hereof.

ARTICLE X
"R-11" - RESIDENTIAL DISTRICT

Section 10-1 Intent: This residential district and its regulations are intended to protect the essential residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. It is the further intent that this district serve in and around incorporated towns within the County and be served with public or central water and sewer systems.

- (a) Single-family, Modular and Sectional dwellings.
- (b) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- (c) Home occupations, as defined.
- (d) Churches, as defined.
- (e) Signs as permitted under Article 23 hereof.
- (f) Accessory uses and structures.
- (g) Cluster development, subject to Section 26-12 hereof.
- (h) Condominiums, subject to Section 26-14.
- (i) Drainage, erosion and flood control structures.
- (j) Mobile homes, individual, with petition subject to Section 26-12.

Section 10-3 Special Uses and Structures:

- (a) Day Care Centers and Nurseries.
- (b) Public and private schools
- (c) Public utilities: Public water and sewer transmission mains or trunk Lines and treatment facilities, including pumping stations, massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission pipelines and pumping stations, unmanned telephone exchange centers, microwave and radio transmission and relay towers and substations.
- (d) Parks and playgrounds, country clubs, golf courses, swim and tennis clubs.
- (e) Duplex units.

- (f) Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition,
- (g) Fire and Rescue stations.
- (h) Funeral homes.

Section 10-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements.

(a) Minimum Area: None required.

(b) Minimum Lot Size - Minimum lot size for permitted residential subdivisions and dwellings shall be eleven thousand square feet with public or central sewer and water system and twenty thousand square feet with either a public or central water or sewer system, but not both.

(c) Lot Width - The minimum lot width shall be sixty feet at the building site, except corner lots which shall have a width of eighty-five feet.

	Primary	Accessory
(1) From U. S. Route 13	100 ft.	100 ft.
(2) From Other Access-ways	25 ft.	25 ft.
(3) Rear Yard (standard & protected Coves)	30 ft.	6 ft.
(4) Side Yard	10 ft.	6 ft.
(5) Shoreline (exposed waterfront)	100 ft.	None Required

(NOTE: 75' shoreline setback applies to all subdivisions recorded prior to October 13, 1987.)

(e) Height, Maximum - the maximum height for dwellings shall be thirty-five feet. (See Section 26-8)

(f) Corner Lots - Of the two sides of a corner lot, the front 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 thirty-five feet or more for both primary and accessory structures.

(g) In cases where a home is to be built in an established residential area, the minimum setback of twenty-five feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

Section 10-5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 24, hereof.

ARTICLE XI
"RM" - RESIDENTIAL-MIXED DISTRICT

Section 11-1 Intent: This district is intended to encourage and provide for variety and flexibility in land development for residential purposes and uses ancillary thereto, that are necessary to meet those changes in technology and demands that will be consistent with the best interest of the County and its incorporated towns and the area in which it is located. It is the further intent to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design and a better environment.

Section 11-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right in the "RM" district subject to other provisions of this ordinance.

- (a) Accessory buildings.
- (b) Churches.
- (c) Parks and playgrounds.
- (d) Patio and atrium houses.
- (e) Public Utilities: Poles, lines, transforming pipes, meters and related or similar facilities; water and sewage distribution lines.
- (f) Townhouses - sale or rental subject to provision of Section 11-6.
- (g) Single-family, modular and sectional dwellings.
- (h) Signs as permitted in Article 23 hereof.
- (i) Home occupations as defined.
- (j) Multi-family structures.
- (k) Drainage, erosion and flood control devices.
- (l) Condominiums subject to Section 26-14.
- (m) Duplex units, sale or rental.
- (n) Cluster development in keeping with the provisions of Article 26-12.

Section 11-3 Special Uses and Structures:

- (a) Country clubs, swim and tennis clubs.
- (b) Educational facilities, public and private.
- (c) Libraries.

- (d) Medical clinics and Hospitals.
- (e) Day Care, Nursery and Community Centers.
- (f) Professional offices.
- (g) Public Utilities: Public or central water and sewer transmission mains or trunk lines and treatment facilities and pump stations, and massive or community subsurface drainfields; electrical power and transmission and distribution substations and transmission lines and towers; unmanned telephone exchange centers.
- (h) Oil and gas transmission pipe lines and pump stations.
- (i) Public office buildings and facilities owned or operated by local, state or federal governments.
- (j) Fire and rescue stations.
- (k) Nursing homes.

Section 11-4 Area and Lot Widths
 All residential uses within the building site, and minimum area at the building site, and minimum area

Minimum Sq. Ft.	Minimum Lot Area Sq. Ft./Unit	Minimum Lot Width	Minimum Lot Width for Corner Lots	Minimum Development Area (sq. ft.)
9,600	9,000	65'	90'	0
20,000	20,000	100'	135'	40,000
25,000	25,000	110'	135'	50,000
3,600	3,600	40'	70'	36,000
10,000	10,000	40'	70'	100,000
2,000	2,000	18'	30'	20,000
3,000	3,000	18'	30'	40,000
Not permitted	Not permitted			
2,000	2,000	18'	30'	20,000

strict shall have the building site, and

	Minimum Lot Area Sq. Ft./Unit	Minimum Lot Width	Minimum Lot Width for Corner Lots	Minimum Development Area (sq. ft.)
<u>A. Duplex Structures</u>				
(1) With public Water and public Sewage systems	9,000	65'	90'	0
(2) With public Or sewage system But not both	20,000	100'	135'	40,000
(3) With Individual water And sewage Systems	25,000	110'	135'	50,000
<u>B. Patio and Atrium Homes</u>				
(1) With public Water and sewage Systems	3,600	40'	70'	36,000
(2) With public Water or sewage Systems but not Both	10,000	40'	70'	100,000
(3) With Individual water And sewage Systems	Not permitted			
<u>C. Townhouses</u>				
(1) With public Water and public Sewage system	2,000	18'	30'	20,000
(2) With public Water or sewage System but not Both	3,000	18'	30'	40,000
(3) With Individual water And sewage Systems	Not permitted			
<u>D. Multi-Family (Apts.)</u>				
(1) With public				

	Minimum Lot Area Sq. Ft./ Unit	Minimum Lot Width	Minimum Lot Width for Corner Lots	Minimum Development Area (sq. ft.)
Water and public Sewage system	2,000	18'	30'	20,000
(2) With public Water or sewage System but not Both	3,000	18'	30'	40,000
(3) With Individual water And sewage Systems	Not permitted			

* * * * *

Section 11-5 Minimum Yard (Setback) Requirements

All structures within the RM district shall have the following minimum yard and setback requirements.

A.	Yard Adjacent to <u>A Road/Street</u>	Duplex	Patio/ Atrium	Town- Houses	Multi- Family	Other
(1)	Right of Way, 50' Or greater along State Secondary and private Roads	35'	30'	30'	45'	60'
(2)	Right of Way 50' Or less along State, Secondary and Private Roads	50'	45'	35'	60'	75'
(3)	The right of way Of U. S. 13 and other Primary roads	100'	100'	100'	100'	100'
B.	<u>Minimum for Either Side Yard</u>	12'	None	None	30'	20'
C.	<u>Minimum Rear Yard</u>	35'	None	30'	25'	35'
D.*	<u>Minimum Shoreline Setback for all Primary Structures</u>	100'	100'	100'	100'	100'

E. Minimum setback for accessory structures is not required except no accessory structure shall be located in the required front set back or yard.

* NOTE: 75' shoreline setback applies to all subdivisions recorded prior to October 13, 1987.

Section 11-6 Specific Use Regulations:

(a) Townhouses Supplemental Regulations

(1) Density - No townhouse project or portion thereof shall have an overall density greater than one dwelling unit per two thousand four hundred square feet of gross site area. Streets, access easements used as streets and parking areas may not be counted in meeting this two thousand four hundred square foot minimum.

(2) Limitation on number and architectural treatment of units - No more than eight townhouses shall be included in anyone townhouse grouping. The facades of dwelling units in a townhouse development may be varied by changed front yards and variation in materials or design, so that abutting units need not have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.

(3) Access - Each townhouse shall front on a dedicated public street or a thirty-four 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 twenty-four 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 townhouses 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 forty feet and paved to a minimum radius of thirty-five feet.

(4) Fire walls, party walls, and fire division - Attached dwellings shall be separated by a wall meeting fire, protection requirements as set forth in the Virginia Uniform Statewide Building Code, as amended.

(5) Common areas - Common areas shall be maintained by and be the sole responsibility of the developer/owner of the townhouse development until such time as the developer/owner conveys such common area to a non-profit entity consisting of at least all of the individual owners of the townhouses in the townhouse development. The land shall be conveyed to and be held by the non-profit entity solely for recreation, open space, private access easements, circulation and parking purposes. In the event of such conveyance by the developer/owner to a non-profit entity, deed restrictions and covenants shall include, among other things, that any assessments, charges and costs of maintenance of such common areas shall constitute a pro rata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded first and second mortgages or deeds of trust on the townhouse lot. Maintenance of buildings' exteriors, landscaping, lighting (other than that in the public right-of-way) and drainage shall be provided

for common areas in a similar manner so as to discharge the County or incorporated town from any responsibility.

Section 11-7 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 24, hereof.

Section 11-8 Maximum Height of Buildings: The maximum height of all structures shall be forty feet. (See Section 26-6 and 26-8)

ARTICLE XII
"MHP" - MOBILE HOME PARK RESIDENTIAL DISTRICT

Section 12-1 Intent: This district is designed to accommodate mobile homes in a planned neighborhood. All 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 thirty days or more.

Section 12-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right in the "MHP" district subject to other provisions of this ordinance:

- (a) Accessory buildings.
- (b) Signs, as permitted in Article 23 hereof.
- (c) Churches.
- (d) Mobile home parks as defined in this ordinance.
- (e) Off-street parking as required by Article 24.
- (f) Parks and playgrounds.
- (g) Public Utilities: Poles, lines, transformers, pipes, meters, and related or similar facilities, water and sewage distribution lines.
- (h) All community service or recreational buildings which are integral components of the mobile home park.
- (i) Drainage, erosion and flood control structures and devices.
- (j) Condominiums, subject to Section 26-14.

Section 12-3 Special Uses and Structures: The following uses and structures may be permitted by special use permit:

- (a) Fire and rescue stations.
- (b) Nursery and Day Care Centers.
- (c) Public schools, public offices and other public buildings and public facilities owned or operated by agencies of the national, state or local government.
- (d) Public Utilities: Public water and sewer transmission main trunk lines and treatment facilities including pumping stations, and massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, transmission and relay towers and substations.

(e) Tennis and swim clubs.

Section 12-4 Area Requirements:

(a) Generally - Minimum are for creation of a permanent mobile home park district shall be ten acres in the jurisdiction of the County and two acres in incorporated towns.

(b) Minimum Lot Size - Minimum lot size for mobile homes shall be five thousand 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 ordinance.

(c) Maximum Percent Lot Coverage (Parks) - Mobile home lots, off-street parking and streets shall cover no more than eighty percent of the mobile home park site.

Section 12-5 Setbacks: Mobile home sites and primary and accessory structures shall have the following minimum yard or setback requirements:

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	100 ft.	100ft
(2) From other public access roads	75ft.	75 ft
(3) From shorelines	100ft.	None Required
(4) From mobile home park property line	25 ft.	25 ft.
(5) Mobile home pad from internal accessways or common area	15 ft	

Section 12-6 Yards: Yard regulations shall be as follows:

(a) Minimum lot or space width: Forty (40) feet.

(b) Distance between mobile homes: (1) fifteen feet from end to end;
(2) Fifteen feet from side to side.

(c) Distance between mobile home and any central service or recreational building: Fifty (50) feet.

Section 12-7 Heights: Buildings may be erected up to fifteen feet in height, except that:

(a) A public or semi-public building such as a school or church may be erected to a height of sixty feet from grade; provided the required front, side and rear yards shall be increased one foot for each foot in height over fifteen feet.

(b) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be to four feet above the height of the building on which the walls rest.

(c) 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.

Section 12-8 Corner Lots:

(a) Of the two sides of a corner lot, the front shall be deemed to be the shortest side fronting on a street.

(b) The side yard on the side facing the side street shall be twenty-five feet for both main and accessory buildings.

Section 12-9 Accessory Structures:

(a) Accessory buildings aggregate area shall not exceed twenty-five percent of the gross site area outside of lot areas.

Section 12-10 Open Space:

(a) Within the total required open space there shall be at least one hundred 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 two thousand five hundred square feet in area.

Section 12-11 Minimum Off-Street Parking: Minimum off-street parking requirements shall be as set forth in Article 34.

Section 12-12 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 thirty feet. In cases where such easements dead-end, there shall be a cul-de-sac with a minimum turning radius of fifty feet. The thirty feet public access easement shall be improved with a twenty-four foot minimum width of travelway. All such access travelways and walks shall be constructed in accordance with the County 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 thirty foot public access easements are designated by the appropriate County authority as fire lanes, such lanes shall be posted with approved "No Parking" signs by the developer.

ARTICLE XIII
"CN" - COMMERCIAL NEIGHBORHOOD DISTRICT

Section 13-1 Intent: This district is intended to provide for the conduct of limited business which provide convenience, goods and services to local neighborhoods surrounding rural areas and within incorporated towns.

Section 13-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right:

- (a) Accessory buildings.
- (b) Professional and business offices, and U.S. Postal Facilities.
- (c) Banks and lending institutions.
- (d) Fire and rescue stations.
- (e) Parking garages and lots.
- (f) Libraries.
- (g) Clothes pressing and cleaning shops.
- (h) Restaurants, enclosed.
- (i) Signs as permitted under Article 23 herein.
- (j) Retail service stores such as barber shops, beauty parlors, shoe repair shops, hand laundries, laundromats, establishments for receiving and distributing articles for laundering or cleaning, blue print, photostat and similar reproduction establishments and printing establishments.
- (k) Stores for the retail sale, repair (or both) of household appliances, musical instruments, and sporting goods furniture.
- (l) Stores for the retail sales of antiques and crafts, automobile supplies, books, cigars, clothing and apparel of any kind, dry goods, drugs, garden supplies, gifts, electrical goods and supplies, food and food products of any kind including production of bakery goods for retail sale in the same establishment but not including the killing of poultry or any other livestock; furniture, household furnishings and decorator's supplies, hardware, florist goods, luggage and leather goods, office supplies, optical goods, pets and pet supplies but not any veterinary services. Photographic equipment and supplies, variety goods, toys, jewelry, music, stationery, newsstands and similar retail establishments.
- (m) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- (n) Radio broadcasting and television stations and studios.

- (o) Theater (indoor).
- (p) Taxicab stands.
- (q) Virginia ABC Stores.
- (r) Health spa centers.
- (s) Educational institutions.
- (t) Schools of special instruction.
- (u) Day Care Centers.
- (v) Community centers.
- (w) Drainage, erosion and flood control devices and structures.
- (x) Residential apartments above stores.
- (y) Condominiums, subject to Section 26-14.
- (z) Post offices, and other state, local, and federal facilities
- (aa) Sidewalk cafes, restaurants, and coffee shops.

Section 13-3 Special Uses and Structures:

- (a) Automobile service stations and laundries.
- (b) Bowling alleys, roller skating and ice skating rinks, billiard parlors and pool rooms, dance halls and similar forms of public amusement.
- (c) Shopping centers - neighborhood, community and regional, subject to Article 26-10 and other provisions herein.
- (d) Public Utilities: Public water and sewer transmission mains, trunk lines and treatment facilities and pumping stations, and massive or community subsurface drainfields; electrical power transmission and distribution Substations and transmission lines and towers, oil and gas transmission lines and Substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- (e) Funeral parlors, homes.
- (f) Craft industry.
- (g) Inns, General, and Bed and Breakfast.
- (h) Churches.
- (i) Rental self-storage units.

Section 13-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- (a) Minimum Area - None required.
- (b) Minimum Lot Size - None required except as provided for in Article 24 herein.
- (c) Minimum Lot Width - One hundred (100) feet.
- (d) Yard Requirements, Minimum Setbacks

<u>Location</u>	<u>County</u>		<u>Town</u>	
	<u>Primary</u>	<u>Accessory</u>	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	100 ft.	100 ft.	100 ft.	100 ft.
(2) From other roads	75 ft.	75 ft.	None	None
(3) Rear yard	35 ft.	6 ft.	None*	None*
(4) Side yard	15 ft.	6 ft.	None*	None*
(5) Shoreline	100 ft.	None	75 ft.	None

(NOTE: 75' shoreline setback applies to all subdivisions recorded prior to October 13, 1987.)

*Except where a permitted use abuts a residential district where the requirement will be twenty-five (25) feet for side yards and thirty-five (35) feet for rear yards.

(e) Height, Maximum - All buildings - forty-five (45) feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from the street and lot lines (not constituting district boundaries) in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the thirty-five foot limit. (See also Section 26)

Section 13-5 Off-Street Parking and Loading Areas Off-street parking and loading areas shall be provided for in keeping with Article 24 herein.

ARTICLE XIV
"CG" - COMMERCIAL GENERAL DISTRICT

Section 14-1 Intent: It is the intent of this district to provide appropriate locations for a broad range of commercial activities which are characterized by heavy truck and vehicle traffic and occasional nuisance factors which are highway oriented.

Section 14-2 Principal Permitted Uses and Structures: The following uses and structures shall be permitted by right, subject to other provisions herein:

- (a) All uses permitted by right and special use permit in the "CN" district.
- (b) Automobile service stations.
- (c) Bowling alleys, roller skating and ice skating rinks, billiard parlors and pool rooms, dance halls and similar forms of public amusement.
- (d) Shopping centers - neighborhood, community and regional, subject to Article 26-10 and other provisions herein.
- (e) Funeral homes.
- (f) Ambulance services.
- (g) Hotels and motels.
- (h) Bakeries employing not more than ten persons other than clerks and vehicle drivers.
- (i) Cabinet-making shops not to exceed three thousand square feet in gross area.
- (j) Catering establishments.
- (k) Retail nurseries and greenhouses.
- (l) Contractors' home office facilities and storage yards, establishments for the installation and servicing of the following: air conditioning; electrical service; flooring; heating; interior decorating; painting; plumbing; roofing; tiling; ventilating; with all materials stored entirely in buildings enclosed on all sides or within walls or fences, supplemented by plantings, as may be prescribed by the planning commission.
- (m) Frozen food lockers.
- (n) Grain and feed supply stores.
- (o) Machinery sales and services.
- (p) Ice storage, if not more than five ton capacity.
- (q) Monument works.

- (r) Pressing and cleaning shops.
- (s) Printing establishments and newspaper publishers.
- (t) Retail sales of garden materials, supplies, hardware, and building material supplies and accessory uses. Display areas may be required to have screening as determined by the planning commission under site plan approval.
- (u) Taxidermist shops.
- (v) Upholstering establishments, furniture repair.
- (w) Veterinary or dog or cat hospitals. (x) Auctioneering establishments.
- (y) Automobile laundries.
- (z) Automobile parking garages, repair garages.
- (aa) Automobile, truck, boat, motorcycle, trailer service and rentals; sales rooms entirely enclosed on all sides in connection with which there may be outdoor display of vehicles (a) on the same lot therewith, (b) incidental and accessory thereto, and (c) not including the display of any vehicle that is not in operating condition.
- (bb) Farm equipment and machinery sales entirely enclosed on all sides in connection with which there may be an outdoor display of vehicles on the same lot as an incidental use, but not to exceed the area of the enclosed sales room.
- (cc) Drive-in restaurants.
- (dd) Drive-in theaters, enclosed theaters.
- (ee) Miniature golf and driving ranges.
- (ff) Wholesale commercial establishments and warehouses; moving and storage establishments, packing and grading sheds.
- (gg) Flea markets, wayside stands.
- (hh) Convention centers.
- (ii) Soft drink bottling plants.
- (jj) Signs, as permitted under Article 23 herein.
- (kk) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- (ll) Drainage, erosion and flood control devices.
- (mm) Mobile home and travel trailer sales and service.
- (nn) Condominiums, subject to Section 26-14.

(oo) Educational institutions, public and private.

(pp) Fabrication of building components from previously prepared material limited to 8,000 square feet of building area with no outside storage of material.

Section 14-3 Special Uses and Structures: The following uses may be permitted by special use permit:

(a) Commercial sports arenas and stadiums.

(b) Dog and horse racing tracks - commercial.

(c) Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities and including pumping stations, massive or community subsurface drainfields, electrical power transmission lines and towers, oil and gas transmission lines and pumping stations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.

(d) Hospital medical centers and nursing homes. (e)

Commercial kennels.

(f) Oil and gas transmission pipe Lines and pump stations.

(g) Tire and recapping and retreading.

(h) Fuel oil and gas distribution facilities. (i)

Bulk fertilizer storage and distribution. (j) Grain dryer and storage facilities.

(k) Vehicle junkyard/graveyard.

(l) Churches.

Section 14-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

(a) Minimum Area - None required.

(b) Minimum Lot Size - None required except as required for in Article 24 herein.

(c) Minimum Lot Width - One hundred (100) feet.

(d) Yard Requirements, Minimum Setbacks

<u>Location</u>	<u>County</u>		<u>Town</u>	
	<u>Primary</u>	<u>Accessory</u>	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	100 ft.	100 ft.	100 ft.	100 ft.
(2) From other roads	75 ft.	75 ft.	None	None
(3) Rear yard	35 ft.	6 ft.	None*	None*
(4) Side yard	15 ft.	6 ft.	None*	None*
(5) Shoreline	100 ft.	None	75 ft.	None

(NOTE: 75' shoreline setback applies to all subdivisions recorded prior to October 13, 1987.)

*Except where a permitted use abuts a residential district where the requirement will be twenty-five (25) feet for side yards and thirty-five (35) feet for rear yards.

(e) Height, Maximum - All structures- thirty-five (35) feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from street and lot lines (not constituting district boundaries) in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the thirty-five foot limit. (See Section 26)

Section 14-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided in keeping with Article 24 herein.

ARTICLE XV
"CW" - COMMERCIAL WATERFRONT DISTRICT

Section 15-1 Intent: The district is designed to accommodate water related commercial activities and their accessory uses to enhance the County's tidal water resources.

Section 15-2 Permitted Principal Uses and Structures:

(a) Marinas, country and yacht clubs, including dry storage, fueling and repair of watercraft.

(b) Motels and hotels.

(c) Restaurants in an enclosed building; boarding houses and inns.

(d) Drydock for pleasure boats and small commercial work basis.

(e) Drainage, erosion and flood control structures and devices.

(f) Public and private beaches and boat landings.

(g) Facilities for the landing, storage and shipment of seafood.

(h) Bait and tackle shops.

(i) Retail shops and outlets for seafood; marine related equipment and repairs.

(j) Grocery stores and general stores.

(k) Accessory uses and structures.

(l) Water related facilities of the Federal, State and local government.

(m) Signs, as permitted under Article 23 herein.

(n) Craft industries, water oriented.

(o) Boat ramps and related facilities.

(p) Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

(q) Boat building, repair and railways.

(r) Marine, rail and truck terminals.

(s) Marine salvage facilities.

(t) Condominiums, subject to Article 26-14, and in keeping with density requirements of Article 11.

(u) Gift shops.

(v) Recreational vehicle areas-campground-as provided for under Section 26-11 herein.

(w) U. S. Postal facilities; fire and rescue stations (3/11/85).

Section 15-3 Special Uses and Structures:

(a) Facilities for the processing and shipment of seafood.

(b) Coal loading and storage.

(c) Water/seafood related industrial parks.

(d) Drydocks for large ocean-going vessels.

(e) Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities and including pumping stations and massive or community drainfields; electrical power transmission lines and towers, oil and gas transmission lines and pumping stations; unmanned telephone exchange centers, microwave, television and radio wave transmission and relay towers and substations.

(f) Residential multi-family structures in keeping with density requirements of Article 11.

(g) OCS energy related facilities such as gas/oil pipelines, service bases, partial processing plants, gas processing and treatment plants, pipe coating yards, general shore support.

Section 15-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

(a) Minimum Area - None required.

(b) Minimum Lot Size - None required except as provided for in Article 24 herein.

(c) Minimum Lot Width - One hundred (100) feet.

(d) Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	100 ft.	100 ft.
(2) From Other Access-ways	30 ft.	30 ft.
(3) Rear Yard	None Required	None Required
(4) Side Yard	15 ft.	6 ft.
(5) Shoreline	None Required	None Required

(e) Height, Maximum - Dwellings - thirty-five (35) feet; other buildings thirty-five (35) feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from street and lot lines (not constituting district boundaries) in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the thirty-five foot limit. (See Section 26).

Section 15-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided for in keeping with Article 24 herein.

ARTICLE XVI
"PI" - PLANNED INDUSTRIAL DISTRICT

Section 16-1 Intent: The Planned Industrial District is intended to permit the development of large scale and comprehensively planned heavy 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 such development does not adversely affect adjoining properties of the County in general and the County's natural resources in particular.

Any application by a property owner for a rezoning to the "PI" District, or the use of an existing PI District, or a substantial change in use of a previously approved PI District, shall require the resubmittal of a proposed Plan of Development, approved by the governing body in accord with Sections 15.1-431 and 15.1-493 of the Code of Virginia, as amended.

Section 16-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right in the district subject to other requirements of this ordinance:

- (a) Truck, rail and marine terminals.
- (b) Mixing of concrete and the manufacturing of concrete products.
- (c) Fabrication of metal products such as pipe, vessels, ducts, and storage tanks.
- (d) Fabrication of marine structures and platforms: Excluding fabrication of nuclear power plants to be erected on such structures or platforms.
- (e) Fabrication of modular industrial plants, excluding nuclear power plants.
- (f) Natural gas regasification facilities.
- (g) Assembly of machinery and equipment.
- (h) Conservation areas.
- (i) Growing of forest, field and vegetable crops.
- (j) Seafood or water related industrial parks.
- (k) Research and testing laboratories.
- (I) Research and technical manufacturing and the processing, fabrication, assembly and distribution of products such as computers, scientific instruments, and communication and electronic equipment confined to "light" industrial products or components.

- (m) Public Utilities: Poles, lines, transforming pipes, meters and related or similar facilities; water and sewage distribution lines and treatment facilities.
- (n) Accessory uses and structures, such as, but not limited to, the following:
 - (1) The storage of material to be processed or already processed by a permitted principal use on the premises.
 - (2) Sale and service goods produced or processed by a permitted principal use on the premises.
 - (3) Temporary buildings, trailers, and vehicles incidental to permanent construction work on premises. Such structures shall not be placed on the site until a building permit has been issued and shall be removed within one month of substantial completion or abandonment of construction.
 - (4) Railroad sidings serving the premises and adjacent properties.
 - (5) Signs as permitted under Article 23 herein.
- (o) Alcohol or gasohol, ethanol manufacturing facilities.
- (p) Conservation areas.
- (q) Automobile, truck, farm and construction implements and machine products assembly.
- (r) Fire stations and rescue squads.
- (s) Business and professional offices.
- (t) Geothermal heating facilities.
- (u) Assembly of electrical appliances, radios, phonographs, televisions.
- (v) Manufacture of electrical components such as coils, condensers and transformers.
- (w) The manufacturing and assembly of mechanical devices, machines and parts, toys, models, meters, novelties, wire products, fans, pumps, office machines, furniture, compressors and working machines.
- (x) OCS energy related facilities such as gas/oil pipelines, service bases, partial processing plants, gas processing and treatment plants, pipe coating yards, general shore support.
- (y) Coal loading and storage.

Section 16-3 Area Regulations and Buffer Zones:

(a) Area Requirements - The minimum size for a planned industrial district shall be fifty contiguous acres under unified control.

(b) Buffer Area Along Outer Perimeter of Zoning District:

1. "PI" District Abutting Agriculture 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 elsewhere in this ordinance.

2. "PI" District Abutting 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 elsewhere in this ordinance.

3. "PI" District Abutting an Industrial or Commercial Zone: 25 foot buffer area with 10 feet of semi-opaque screening or a reduction to a 15 foot buffer area with 10 feet of opaque screening except when the district abuts a resource protection area as defined elsewhere in this ordinance.

4. "PI" District with Frontage on U. S. 13 - Lankford Highway 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 elsewhere in this ordinance.

5. "PI" District Abutting a Rail Road: The Board of Supervisors may eliminate the buffer area to the extent necessary to provide transportation access to the Rail Road.

Section 16-4 Setback Regulations: Structures and uses permitted, excluding signs, shall be two hundred feet or more from a dedicated public street or dedicated public road right-of-way.

Section 16-5 Frontage Regulations: There, shall be no minimum frontage regulations.

Section 16-6 Yard Regulations: There shall be no minimum yard regulations except as provided for in Article 16-3, 16-4, and 16-7. Reasonable utilization of yards for storage of materials and/or equipment may be permitted by the governing body.

Section 16-7 Height Regulations: Buildings may be erected to a height of thirty-five (35) feet above the surrounding ground level, except that:

(a) The height limit for buildings may be increased up to one hundred fifty feet, provided there are two side yards for each permitted building, each of

which is ten feet or more plus one foot or more of side yard for each additional foot of building height over thirty-five feet. Anyone building side yard shall not be included in the calculations of any adjacent building side yard.

(b) Antenna towers, flag poles, water storage tanks, chimneys, flues, and other structures not normally occupied by workmen shall have a height limitation of one hundred fifty feet; however, the governing body may permit a greater height if found not to be detrimental to the general public welfare and safety and in keeping with the intent of this ordinance.

(c) Parapet walls and ventilating equipment are permitted to extend four feet above the height limit of the building of which it is a part.

Section 16-8 Buildings and Structures to Ground Coverage: The maximum ground coverage of all permitted buildings and structures shall not exceed forty percent of the total development area, not including buffer zones as required in Article 16-3.

Section 16-9 Environmental and Performance Regulations:

(a) General - Processes and equipment employed and materials or goods used or stored shall be limited to those which are not objectionable or hazardous at or beyond the perimeter of the "PI" district, by reason of odor, dust, smoke, fumes, glare, noise, vibration, refuse matter or water-carried waste.

(b) Ground Water - Construction, site preparation, processes and equipment employed shall be such as not to lower the groundwater table measurably or cause the degradation of the groundwater quality through saltwater intrusion or other means at any place outside of the district boundaries.

(c) Controlled Material - The storage and use of hazardous or inflammable fuels, paints, chemicals and other materials shall be in conformity with federal, state, and local law regulations and shall be done in such a manner so as not to endanger persons or property.

(d) Prohibited Materials - No fissionable or other nuclear materials, or radium or other radioactive materials shall be collected or stored within the district, save and except encapsulated non-contaminated by-product materials used for industrial radiographic purposes.

(e) Erosion and Sedimentation Control. - All provisions for soil erosion and sedimentation control shall comply with the provisions of the Northampton county Erosion and Sediment Control Ordinance.

Section 16-10 Access:

(a) General - All dedicated public streets and dedicated public roads that may be required within the district shall be built to the specifications of the Virginia Department of Highways and Northampton County.

(b) Street Layout - Entrances and exits to public roads, both within and

bordering a "PI" district, shall be designed to facilitate the flow of traffic and shall not create a traffic hazard.

(c) District Access - The governing body may require the applicant to dedicate roads, property, or street rights-of-way owned by the applicant and to construct said roads or streets to the specifications of the Virginia Department of Highways when it is deemed necessary for vehicular access between the district and a public road in the Virginia Highway System.

Section 16-11 Minimum Off-Street Parking: Off-street parking shall be provided for as required in Article 24 of this ordinance.

Section 16-12 Exterior Lighting:

(a) Exterior lighting located near adjacent property shall be shielded or aimed to direct light away from adjacent property.

Section 16-13 Procedures for Submission of an Application for the Planned Industrial District:

(a) Generally, the procedures contained hereinafter provide for a two-step process in the review of a proposed planned industrial district. These two steps consist of:

- (1) The submission and review of a Preliminary Plan of Development.
- (2) The submission and review of a Final Plan of Development.

(b) Preliminary Plan of Development - The purpose of the Preliminary Plan of Development is to afford the applicant the opportunity to present his proposal to the governing body for review in schematic form without incurring the expense of detailed engineering studies. Approval of the Preliminary Plan of Development by the governing body shall constitute conditional approval of the proposed development as to the general character, intensity and staging of development. Approval of the Preliminary Plan of Development shall qualify the applicant to proceed to step (2), submission of the Final Plan of Development. No building permit shall be issued and no on-site construction shall begin until the applicant has submitted and received approval for a Final Plan of Development.

(c) Procedures for submission and review of the Preliminary Plan of Development:

- (1) The applicant shall file a rezoning petition and thirty copies of the Preliminary Plan of Development drawn to a scale of one inch equals four hundred feet (1":400') on one or more matched sheets with all explanatory and support documentation, with the governing body or its agent. A fee shall be imposed for the review of the rezoning petition and accompanying plan of Development by the County staff and Planning Commission, equal to the actual cost of review by the said bodies and shall be paid to the County within seven days of the date of any final action by the Planning Commission. The rezoning petition and Plan of Development shall not be finally acted upon by the governing body until such fee

has been paid by the applicant.

(2) The governing body shall forward the application to the Planning Commission for its review and comment. The Planning Commission shall review the application for completeness and compliance with this ordinance and other applicable ordinances and regulations. If the application is judged incomplete, it shall be returned to the applicant with a written explanation of the deficiencies. The applicant shall be given a reasonable time in which to amend the Plan. The returning of the application shall not be counted against the time limit for consideration of said application by the Planning Commission. If the application is judged complete, the Director of Planning shall forward copies of the application to appropriate public agencies for their review and comment.

(3) With sixty days from receipt of the completed application, the Planning Commission shall:

Review the application;

Receive and review the comments from appropriate public agencies;

Meet with the applicant and discuss the proposed development.

Determine whether the Preliminary Plan of Development meets the requirements of this ordinance and other applicable ordinances and regulations; and

Conduct a public hearing on the application and submit a written report to the governing body with a copy to the applicant, as to its recommendation for disposition of the application.

(4) Within ninety days from receipt of the complete application, the governing body shall:

Review the application;

Meet with the application and discuss the submission, if such a meeting is deemed desirable by the governing body.

Conduct a public hearing and render a decision either approving, conditionally approving or disapproving the Preliminary Plan of Development.

Section 16-14 Preliminary Plan - Decision of the Governing Bod!: In furtherance of the purpose of this ordinance, the governing body may disapprove a Preliminary Plan of Development or may require such amendments and modifications to the Plan as it finds necessary. Upon disapproval of a portion of a Preliminary Plan of

Development, the governing body shall give the applicant a reasonable time in which to amend the Plan and shall defer further consideration of the Plan to a subsequent meeting. Such period of deferral shall not be counted against the time limit for consideration of said Plan. Conditional approval of the Preliminary Plan of Development shall expire two years after the date of such approval unless a Final Plan of Development has been submitted in accordance with this ordinance. A single one year extension may be given upon written request by the applicant to the governing body made within ninety days before the expiration of the conditional approval. The governing body shall acknowledge the request and shall make a decision regarding the requested extension within thirty days after receipt of the request.

Section 16-15: Standards for Preparation of the Preliminary Plan of Development:
Every Preliminary Plan of Development submitted shall contain the following information together with such additional information as the applicant may determine to furnish:

(a) Signature and address of the owner and contract owner or optionee of the property authorizing the application and the signature and address of the applicant.

(b) Location of the tract by an insert map at scale of not less than one inch equal to two thousand feet (1":2000'), indicating the name and numbers of adjoining roads, streams, and other bodies of water, railroads, subdivisions, towns and other landmarks sufficient to clearly identify the location of the property.

(c) A boundary survey of the proposed district by courses and distance. Total acreage involved will be noted and all adjacent property owners and their addresses shall be indicated. Existing zoning abutting the proposed district will be shown. The boundary survey shall have a minimum field position closure with a ratio of error of one in seventy-five hundred and shall be certified on the Plan of Development by the surveyor.

(d) A statement from the applicant describing generally the purpose and character of the project including the processes, equipment, and materials to be used, products produced, anticipated employment levels and payrolls, staging of construction and such other description as may be requested to clearly understand the proposed development.

(e) Notarized statements signed by persons who, by education and/or experience, are qualified and recognized experts in the field or fields relating to the several performance standards set forth in Article 16-8, stating that the said standards will be met by the use, the equipment and activity proposed to be installed within the district.

(f) Allocation of acreage, within the district, for each process, activity, and use, indicating such on the Plan of Development.

(g) The general alignment of proposed roads within the district, including

existing adjacent public roads and methods and location of access points to public rights-of-way.

(h) Nearest sewer and water lines by reference with the size of line indicated.

(i) The buffer zone as required with existing tree cover indicated for the entire district.

Section 16-16 Final Plan of Development: The purpose of the Final Plan of Development is to give final approval to the proposed Planned Industrial District. The final plan shall be submitted according to the changes recommended during the preliminary plan procedure. Upon receipt of a final approval, the applicant may file for a building permit, provided all other applicable ordinances have been complied with.

Section 16-17 final Plan of Development Procedures for Submission and Review:

(a) The Director of Planning for Northampton county is hereby designated the Agent of the governing body for the purpose of administration and approval of Final Development Plans.

(b) The applicant shall submit fifteen copies of the Final Plan of Development, drawing to a scale of one inch equals two hundred feet or less (1":200'), and all explanatory and support documentation to the Director of Planning and Zoning. A fee shall be imposed for the review of the "Plan" by the County Staff and Advisory Board, Agencies and Departments equal to the actual cost of the review by the said bodies shall be paid to the County prior to any approval of the Final Plan of Development. Phased or sectional final plans of development may be submitted in lieu of a single final development plan.

(c) The Director of Planning and Zoning shall forward a copy of the complete final plan or plans to: the governing body, the Planning Commission, the Environmental Protection Agency, the State Health Department, the County Building Inspector, and the Virginia Department of Highways and Transportation. In addition, the Director of Planning and Zoning shall forward copies of the complete final plan or plans to such other boards, agencies, and departments of the County, State and Federal government as deemed by the Director to be concerned with said project. Said boards, agencies and departments shall act as technical advisors to the Director of Planning and Zoning within thirty days of the agencies' receipt of the Final Plan of Development.

(d) All adjoining property owners shall be notified of the County's receipt of a Final Plan of Development by certified mail informing them that copies are available for review in the Office of the Director of Planning and Zoning. No Final Plan of Development shall be approved within fifteen calendar days of the date of the mailing of such notice. The Director of Planning and Zoning shall approve or disapprove the application within sixty calendar days from the date of application.

(e) Any person aggrieved by any decision of the Director of Planning and Zoning in the administration of this article may demand a review of the final plan of development by the governing body. Such demand shall be made by filing a

request, therefore, in writing with the Director of Planning and Zoning within ten calendar days of the date of such decision. The governing body may affirm, reverse or modify in whole or in part the decision of the Director. In so doing, the governing body shall give due consideration to such other evidence as it deems necessary for a proper review of the plan. For the purposes of this section, the term "person aggrieved" shall be limited to the applicant, adjacent property owners, and any interested governmental agency or officer thereof.

(f) Final approval of the Final Plan of Development shall expire two years after the date of such approval, unless a building permit has been obtained for construction in accordance herewith. A single one year extension may be given upon written request by the applicant to the governing body made within ninety days before the expiration of the approved final plan. The governing body shall acknowledge the request and shall make a decision regarding the requested extension within thirty days after receipt of the request.

Section 16-18 Standards for Preparation of the Final Plan of Development:

(a) Every Final Plan of Development submitted shall adhere to the requirements of Article 25 herein.

(b) Landscape Development and Screening Plan - A landscape development plan shall be submitted for approval as part of the Plan of Development. This plan shall show those natural topographic features such as water courses, large trees, tree groves to be preserved and those to be altered or removed; architectural peripheral areas abutting highways and/or residential or agricultural districts; and detailed landscape development plans for specific lots for which building permits are requested, including all required screening.

(1) Any part of the district not used for buildings or other structures, storage, or off-street parking, loading, and maneuvering areas, drives, and pedestrian walks, shall be planted with appropriate ground cover, trees, flowers, shrubs and grass lawns, all of which shall be properly maintained in healthy condition at all times; provided, however, that with the approval of the governing body, areas may be devoted to agriculture or left in their natural condition.

(2) Where screening is required, all facilities shall be screened as much as possible from view of any adjacent property by planting or by ornamental wall, all of which shall be properly maintained.

(3) All required screening, whether planted or architectural, shall be properly maintained. Dead plant materials shall be removed within a reasonable time and replaced during normal planting season.

(c) Utilities Plan - A utilities plan shall be submitted for approval as a part of the Plan of Development. This shall show the size and the proposed location of all exterior lines and equipment. All utilities are encourage to be underground, except control instrumentation and substations which must be screened by planting or ornamental walls; provided, however, that the requirements of this section may be modified by the governing body where there will be no adverse effect caused by said modification.

(d) Processes and Water Demands -

(1) Each applicant for a Final Plan of Development shall be required to submit to the governing body as a part of the application, a qualified engineer's report describing the proposed operation of all machines, processes and water uses, the quantity of groundwater which is to be used, and the maximum quantity of groundwater which can be drawn, the projected effect upon groundwater levels, quantities and supplies as determined by on-site pumping tests.

(2) Each applicant for a Final Plan of Development shall be required to submit to the Government as a part of the application, a qualified engineers report describing the proposed application, all machines, processes, products and byproducts, stating the nature and expected levels of emission or discharge to land, air or water of any liquid, solid, or gaseous effluent or electrical impulses and noise under normal operations, and the specifications of treatment mechanism and methods to be used in restricting the emission of dangerous or objectionable elements.

(e) Preparation of Plan of Development - A Plan of Development may be prepared on one or more sheets to show clearly the information required by this Article and to facilitate the review and approval of this plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every Plan of Development shall show the name and address of the applicant, signature of owner authorizing the submittal of the Plan of Development, magisterial district, county, state, north arrow, date and scale of drawing, and number of sheets. In addition, it shall reserve a blank space three inches wide and five inches high for the use of the approving authority. Every Plan of Development shall be prepared to a scale of one inch equal to two hundred feet or larger (1":200'); the sheet or sheets shall be twenty-four inches by thirty-six inches or any multiple thereof.

(f) Minimum Bonding and Agreements - Improvements Required:

(1) All improvements required in the approval of the "Final Development Plan" shall be installed at the cost of the applicant, the same to be recognized by formal written agreement prior to Final Development Plan approval. Said improvements shall include roads and streets, soil and sediment preventative measures, storm water and sewer facilities, electric power facilities needed to serve the facility, flood control devices and any other improvements to be dedicated to the public or considered to be in the interest of general public welfare and safety by the governing body of Northampton County.

(2) Prior to the final approval of any Final Development Plan, there shall be executed by the applicant an agreement to construct all physical improvements required by or pursuant to this Article

together with a bond with surety approved by the governing body or its agent, in an amount sufficient to cover the estimated cost of such improvements.

(3) In determining the estimated cost of the improvements to be bonded, the applicant shall submit an estimate of such costs which shall be reviewed and approved by the governing body. The agreement and bond shall provide for and be conditioned upon completion of all work within a time specified by the applicant.

(4) The bonding required may be in the form of a certified check, cashier's check, savings certificate, or certificate of deposit, made out to the County of Northampton in lieu of corporate surety or letter of credit. At such time as the required improvements are completed, said bond shall be terminated; provided, however, that should said required improvements be completed in stages, then said bond at the discretion of the governing body may be released in parts in amounts equal to the percentage of the required improvements which have been completed.

Section 16-19 Issuance of a Building Permit: Upon approval of the final plan, the applicant may file for a building permit to commence construction. Prior to issuance of a building permit, the applicant must furnish the governing body in an amount deemed by the governing body adequate to insure completion of required dedicated public improvements in the Plan of Development. At such times as the improvements are completed, said bond shall be terminated; provided, however, that should said improvements be completed in stages, then said bond may be released in parts in amounts equal to the percentage completed. No building permit shall be issued for any construction by the approved Plan of Development except in conformity with such approved plan. Prior to the issuance of a certificate of occupancy, two sets of As Built Construction Plans, indicating the location of all underground utilities, will be submitted to the Director of Planning and Zoning. The governing body or its designated agents shall have the right at reasonable times to go upon the property covered by the Plan of Development, and to inspect the owners records to insure that said Plan of Development has been complied with.

ARTICLE XVII
"IL" - INDUSTRIAL LIMITED DISTRICT

Section 17-1 Intent: The purpose of the "IL" Industrial Limited District is to permit light industrial uses in locations served by major transportation facilities and in areas where employment centers close to residential concentrations will reduce traffic congestions and add to public convenience by moving places of work closer to places of residence.

Section 17-2 Principal Permitted Uses and Structures:

- (a) Research and technical manufacturing and the processing, fabrication, assembly and distribution of products such as computers, scientific instruments, communications and electronics equipment confined to "light industrial components or products".
- (b) Laboratories; pharmaceutical and/or medical.
- (c) Research and testing laboratories.
- (d) Assembly of electrical appliances, radios, phonographs, televisions.
- (e) Manufacturing of electrical components such as coils, condensers and transformers.
- (f) Radio or television stations and transmitting devices.
- (g) Contractor's equipment, storage yard or plant; or rental of equipment used by contractor.
- (h) Distribution plants, parcel post, beverage and food.
- (i) Automobile service stations, repair and servicing.
- (j) The manufacture and assembly of mechanical devices, machines and parts such as toys, gauges, patterns, models, meters, novelties, wire products, blowers, fans, pumps, compressors, duplicators, vending machines, office machines and other light or small mechanical products.
- (k) Building material sales yard.
- (l) Feed and seed sales, distribution and storage yards.
- (m) Farm implements, sales and service.
- (n) Grain storage and distribution.
- (o) Manufacture, processing, fabrication, assembly, distribution of products such as: artist supplies, drafting equipment, jewelry, silverware, musical instrument, watches, clocks, glass products made of purchased glass, surgical, medical and dental instruments and supplies, photographic equipment and supplies including processing and development plant and tool and die facilities.

- (p) Temporary construction uses.
- (q) Public utilities: All necessary utilities to serve the needs of the public.
- (r) Printing, lithographing or publishing establishments.
- (s) Vocational, technical, and industrial and trade schools.
- (t) Heavy equipment sales and service.
- (u) Accessory uses and structures.
- (v) Signs, as permitted under Article 23 hereof.
- (w) Fire and Rescue Stations

Section 17-3 Special Uses and Structures:

- (a) Ethanol, gasohol or alcohol manufacturing.
- (b) Airport, airstrip, helistop or heliport.
- (c) Truck terminals, related repair and servicing.
- (d) Moving business, including storage facilities.
- (e) Assembly of modular building units.
- (f) Geothermal heating facilities.
- (g) Manufacture of pottery and figurines or other similar products using only previously pulverized clay and kilns fired only by electricity or gas.
- (h) Coal loading and storage.
- (i) Massive or community subsurface drainfields.
- (j) Professional Offices.
- (k) Community and Recreational Centers.

Section 17-4 Minimum Area, Lot Size, Lot Width, Setbacks, and Height Requirements:

- (a) Minimum Area - Minimum area required for establishment of an IL District shall be five acres. There shall be no minimum area requirements for additions to established IL Districts, provided such area to be added adjoins and forms a logical addition to the existing IL District.
- (b) Minimum Lot - One acre per use.
- (c) Minimum Lot Width - Two hundred feet.

(d) Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	200 ft.	200 ft.
(2) From other access ways	75 ft.	75 ft.
(3) Rear yard	50 ft.	25 ft.
(4) Side yard	50 ft.	25 ft.
(5) Shoreline	100 ft.	None Required

(NOTE: 75' shoreline setback applies to all subdivisions recorded prior to October 13, 1987.)

(6) Buffer areas along outer perimeter of zoning district:

a. "IL" District Abutting Agriculture 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 elsewhere in this ordinance.

b. "IL" District Abutting 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 elsewhere in this ordinance.

c. "IL" District Abutting an Industrial or Commercial Zone: 25 foot buffer area with 10 feet of semi-opaque screening or a reduction to a 15 foot buffer area with 10 feet of opaque screening except when the district abuts a resource protection area as defined elsewhere in this ordinance.

d. "IL" District with Frontage on U. S. 13 - Lankford Highway 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 elsewhere in this ordinance.

e. "IL" District Abutting a Rail Road: The Board of Supervisors may eliminate the buffer area to the extent necessary to provide transportation access to the Rail Road.

(e) Maximum Height - Maximum height for all structures shall be forty-five (45) feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from street and lot lines (not constituting district boundaries), in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the thirty-five foot limit. See Section 26.

Section 17-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided for in keeping with Article 24 herein.

ARTICLE XVIII
"IG" - INDUSTRIAL GENERAL DISTRICT

Section 18-1 Intent: The primary purpose of this district is to establish an area where the principal use of land is for heavy commercial and industrial operations, which may create some nuisance and which are not properly associated With, nor particularly compatible with, residential, institutional and neighborhood commercial service establishments.

Section 18-2 Permitted Principal Uses and Structures: All uses permitted by right and special use permit in the "IL" District plus the following:

- (a) Accessory uses and structures incidental.
- (b) Barrel, box or bag manufacturing.
- (c) Brewery or distillery operations.
- (d) Brick, tile or terra cotta manufacturing.
- (e) Coal, flour or grain elevators.
- (f) Fish smoking, curing or canning.
- (g) Monument works.
- (h) Asphalt or bituminous mixing plant.
- (i) Concrete or concrete products manufacturing.
- (j) Junkyards and automobile graveyards, screened-in, keeping with section 26-13.
- (k) Machine shops, tool and die operations, blacksmithing.
- (l) Manufacture of building components.
- (m) Manufacture of heavy household, commercial and industrial appliances.
- (n) Manufacture, distribution and service of individual sewage disposal systems.
- (o) Manufacture and recycling of tires.
- (p) Metal fabrication and welding operations.
- (q) Mobile home manufacturing and-distribution.
- (r) Cinder block manufacturing.
- (s) Recreational vehicle and components manufacturing.
- (t) Sawmills, planing mills, wood preserving operations, distribution, sales and wood yards.

- (u) Warehousing facilities.
- (v) Marine, truck and rail terminals.
- (w) Food processing plants - freezing or canning.
- (x) Wholesale business.
- (y) Bulk storage of fertilizer and petroleum products and by-products.
- (z) Automobile, farm implements, or truck manufacture or assembly plant.
- (aa) Metal foundry and heavy weight casting.
- (bb) Boat building.
- (cc) Bakeries and soft drink bottling plants.
- (dd) Grain storage and distribution.
- (ee) Fuel oil and gas distribution.
- (ff) Manufacturing, compounding, assembly or treatment of wood, cloth or fiber.
- (gg) Public Utilities: Poles, lines, transformers, pipes, meters and related or similar facilities; water and sewage distribution lines.
- (hh) Signs as permitted under Article 23 herein.
- (ii) Drainage, erosion and flood control devices and structures.
- (jj) Coal loading and storage.

Section 18-3 Special Uses and Structures:

- (a) Food processing plants.
- (b) Soap manufacturing.
- (c) Tannery or the curing and storage of raw hides.
- (d) Petroleum, gasoline, natural gas processing and manufacture.
- (e) Fertilizer manufacturing or processing.
- (f) Pulp, paper manufacture or processing.
- (g) Chemical, plastics manufacture or processing.
- (h) Cement, lime gypsum manufacture or processing.
- (i) Explosives manufacture or storage.

- (j) Drop-forge industries, manufacturing forging with power hammers.
- (i) Explosives manufacture or storage.
- (k) Acid manufacturing.
- (l) Paint, oil, shellac, turpentine, lacquer or varnish manufacture.
- (m) Manufacturing, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: lime., cellophane, canvas cloth, cork, feathers, flax, fur, hair, horn, leather, paper, plastic, stone, shell, straw, tobacco and paint.
- (n) Meat, poultry, fish and shellfish processing plants and facilities.
- (o) Geothermal heating facilities.
- (p) Oil refineries; alcohol, ethanol and gasohol processing.
- (q) Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities including pumping stations and massive or community Subsurface drainfields; electrical power transmission and distribution Substations and transmission lines and towers; unmanned telephone exchange centers.
- (r) Hydroponics
- (s) Aquaculture - fish production in tanks.
- (t) Aquaculture - fish production in ponds/lagoons.

Section 18-4 Minimum Area, Lot Size, Lot Widths, Setbacks and Height Requirements:

- {a} Minimum Area - None required.
- (b) Minimum Lot Area - None required, except as provided for in Article 24 herein.
- (c) Minimum Lot Width - One hundred (100) feet.
- (d) Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	200 ft.	200 ft.
(2) From other access ways	75 ft.	75 ft.
(3) Rear yard	50 ft.	25 ft.
(4) Side yard	50 ft.	25 ft.
(5) Shoreline	75 ft.	None Required
(6) Buffer area along outer perimeter of zoning district:		

a. "IG" District Abutting Agriculture 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 elsewhere in this ordinance.

b. "IG" District Abutting 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 elsewhere in this ordinance.

c. "IG" District Abutting an Industrial or Commercial Zone: 25 foot buffer area with 10 feet of semi-opaque screening or a reduction to a 15 foot buffer area with 10 feet of opaque screening except when the district abuts a resource protection, area as defined elsewhere in this ordinance.

d. "IG" District with Frontage on U. S. 13 - Lankford Highway 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 elsewhere in this ordinance.

e. "IG" District Abutting a Rail Road: The Board of Supervisors may eliminate the buffer area to the extent necessary to provide transportation access to the Rail Road.

(e) Maximum Height - Maximum height for all structures shall be forty-five (45) feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from street and lot lines (not constituting district boundaries), in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the forty-five foot limit. Radio, micro wave towers and similar structures are exempt. (See Section 26)

Section 18-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided for in keeping with Article 24 herein.

ARTICLE XIX
"HD" - HISTORIC DISTRICT

Section 19-1 Intent:

(a) For the purpose of promoting the general welfare by creating within the County an atmosphere of appreciation for our past heritage through the perpetuation of those general areas or individual structures and premises 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, historic districts are created.

(b) Regulations within such district are intended to protect against destruction of or encroachment upon such areas, structures and premises to encourage uses which will lead to 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 to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

(c) It is further the intent of this ordinance that the Board of Supervisors and the Planning Commission shall seek and obtain the advice and assistance of the Virginia Historic Landmarks Commission and the architectural review board which is created herein, and other organizations or individuals qualified by interest, training and experience in achieving the objectives set forth.

Section 19-2 District Boundaries Generally: The boundaries of a historic district shall be delineated on the official zoning map. Such boundaries shall include both sides of a street where desirable to accomplish the preservation objective, but in no case shall the boundary of the district be beyond or extend further than one-quarter mile from the property line of any officially designated historic landmark site or one-quarter of a mile from a designated historical structure.

Section 19-3 Establishment of an Amendment to Historic District Boundaries and Regulations:

(a) Amendments to the provisions of this article as well as to any historical district boundary, including creation of any historic district, shall be in accordance with Article 5 of this ordinance except where modified hereafter.

(b) The architectural review board may propose to the Planning Commission and/or the Board of Supervisors such amendments as deemed appropriate, including the establishment of historic districts and revisions to existing historic districts. Upon receipt of such proposal, the Board of Supervisors or the Planning Commission may initiate such amendment pursuant to Article 5 of this ordinance.

(c) The Planning Commission, in cooperation with the architectural review board, shall prepare and submit a report to substantiate the proposed amendment. Such report shall establish and define the historic district boundaries as well as the historic and/or architectural significance of the building, structures, or sites

to be protected, and describe present trends, conditions and desirable public objectives for preservation.

(d) The report can include recommended detailed regulations to be applied within the district, 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 building, structure or site to be preserved.

Section 19-4 Action by Board of Supervisors: If the Board of Supervisors approves the creation of a historic district, its action shall include a statement from the Virginia Historic Landmarks Commission that the landmarks, buildings, structures or sites to be preserved are, in fact, of historical and/or architectural significance requiring protection against destruction and encroachment. The declaration shall also include all or stated recommendations of the architectural review board and Planning Commission supplementing or modifying general regulations set forth herein which are adopted by reference and are to be applied to the district created.

Section 19-5 Architectural Review Board Generally:

(a) For the general purposes of this ordinance 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 and through the regulation of architectural design of structures in such areas, there is hereby created an architectural review board to be composed of seven members who are residents of the county or who conduct their primary business or profession in the county. These members shall be appointed by the Board of Supervisors.

(b) Of the membership of the seven members so appointed, one shall be a licensed real estate broker, one shall be a licensed architect, one shall be a person with demonstrated knowledge of and interested in the preservation of historical and architectural landmarks, one shall be a practicing lawyer with membership in the Virginia Bar, one shall be a member of the Planning Commission, and two shall be citizens-at-large.

(c) 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.

(d) The architectural review board shall elect from its own membership a chairman, vice-chairman and a secretary, who shall serve annual terms and may succeed themselves.

(e) There shall be a regular meeting of the architectural review board monthly. Special meetings of the architectural review board may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members of the architectural 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 architectural review board. The architectural 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.

(f) The architectural 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. Board members are required to exempt themselves from voting on any action in which their financial interests for those of their immediate family are directly involved. In addition to the aforementioned duties and powers, the board shall have the following duties:

- (1) 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.
- (2) To advise owners of historic landmarks, buildings or structures on problems of preservation.
- (3) To propose from time to time, as deemed appropriate, the revision to the historic districts.

(g) In addition, the architectural review board shall have the following powers;

- (1) To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic sites and buildings including proposals for the installation and care of such historic markers.
- (2) To cooperate with and enlist assistance from the Virginia Historic Resources Landmarks Commission, the National Trust for Historic Preservation, 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.
- (3) To employ secretarial assistance and pay salaries, wages and other incurred necessary expenses, pursuant to appropriations by the Board of Supervisors.

(h) In reaching its decisions, the architectural review board shall consider:

- (1) Historic significance.
- (2) Architectural significance and appearance.
- (3) Value and use of structures.
- (4) Effect on surrounding property.
- (5) Inordinate hardship.
- (6) Effect on the tourist industry.

Section 19-6 Permitted Uses, Construction, Demolition, Lots and Heights: Within the historic district, the following regulations shall apply:

(a) 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 architectural review board as being compatible with the historical or architectural aspects of the landmarks.

(b) 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 architectural review board.

(c) Moving or Relocation. No officially designated historic landmark, building or structure within the 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 architectural review board.

(d) 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. No use shall be permitted where the operational characteristics of the use would be obviously incongruous with the historic character of the district as established, and specially recorded in accord with the provisions of Sections 19-3 and 19-4, where such decision is made by the Board of Supervisors after consultation with the architectural review board.

(e) 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.

(f) 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 or otherwise in conflict with the recommendations adopted pursuant to section 20-4 herein above.

Section 19-7 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.

Section 19-8 Exterior Illumination Signs: All regulations pursuant to Article 23 of this ordinance 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 Article 23 of this ordinance shall be permitted if the Board of Supervisors, acting upon the advice of the architectural review board, finds such sign to be architecturally incompatible with the historical and/or architectural character of the landmark.

Section 19-9 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 the historic 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:

(a) He shall forward to the architectural review board a copy of the application for such a permit, together with a copy of the site plan and the building plans and specifications filed by the applicant.

(b) He shall maintain in his office a record of all such applications and of his handling and final disposition of the same.

(c) He shall require applicants to submit a sufficient number of additional copies of material required to permit compliance with the foregoing.

Section 19-10 Material to be Submitted for Review: The zoning administrator and the architectural 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 its determinations.

Section 19-11 Report of the Architectural Review Board:

(a) If the architectural 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 architectural 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 architectural review board which shall counsel the Board of Supervisors accordingly.

(b) The architectural review board shall submit to the Board of Supervisors in writing and within sixty 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.

Section 19-12 Action of Board of Supervisors Concerning Application.:

(a) Upon receipt of the written counsel from the architectural 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 architectural review board, and shall be guided by the general standard of "architectural compatibility."

(b) 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.

(c) In the case of disapproval, the application shall not be resubmitted for consideration until twelve months has 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.

(d) Upon receipt of the Board of Supervisors written approval, 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.

(e) The zoning administrator shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article in the same

manner as in his/her enforcement of the other sections of this ordinance as presently enacted and as the same may be amended.

Section 19-13 Appeals:

(a) 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 thirty 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 or discretion, or it may affirm the decision of the Board of Supervisors.

(b) In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building, or structure, the razing or demolition of which is subject to the provisions of section 19-6 hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building, or structure provided that:

(1) He has applied to the Board of Supervisors for such rights.

(2) 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 he is willing to preserve and restore the landmark, building or structure and the land pertaining thereto.

(3) 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.

(4) The offer to sell and any offers to buy shall be publicly advertised.

(c) 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:

(1) Three months when the offering price is less than twenty-five thousand dollars;

(2) Four months when the offering price is twenty-five thousand dollars or more but less than four thousand dollars;

(3) Five months when the offering price is four thousand dollars or more but less than fifty-five thousand dollars;

(4) Six months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars;

(5) Seven months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars; and

(6) Twelve months when the offering price is ninety thousand dollars or more.

ARTICLE XX
"AP" - AIRPORT PROTECTION DISTRICT

Section 20-1 Intent: It is the intent of the "AP" District to regulate the location and arrangement of airfields, including heliports in the State plan for airports, so that they do not represent an unreasonable hazard to life and property and to prevent the developable hazard to life and property and to prevent the development of activities in the vicinity of airfields which could be hazardous to the use of such airfields.

Section 20-2 Application of the "AP" District: The "AP" District is created as a supplementary zoning district to be superimposed on the other zoning districts and the provisions of the "AP" District are in addition to the provisions of other zoning districts.

Section 20-3 Definitions: The following definitions shall be used for the purpose of interpreting and applying this section:

(a) Airfield Approach Surface - The airfield approach surface is an imaginary surface existing at both ends of an airfield runway. The surface shall begin at the end of the runway with a width of two hundred fifty (250) feet and extend outward for a distance of five thousand (5,000) feet to a width of one thousand two hundred fifty (1,250) feet. The centerline of the surface shall slope upward from the edge of the runway one (1) foot vertically for each twenty (20) feet of distance horizontally.

(b) Airfield Elevation - The highest elevation of the airfield runway which for zoning purposes shall be considered the elevation of every point on the runway.

(c) Airfield Protection District - Areas on the ground lying beneath the Airfield Approach Surfaces, Airfield Horizontal Surfaces and Airfield Transitional Surfaces, and Airfield Horizon.

(d) Airfield Runway Width - For all runways, the width for zoning purposes shall be at least:

(1) Two hundred fifty (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.

(2) Five hundred (500) feet, centered on the runway centerline for all otherways.

(e) Airfield Horizontal Surface - The airfield horizontal surface is an imaginary horizontal surface bounded by a radius of five thousand (5,000) feet measured from all points on the runway centerline between the ends of the runways. The airfield horizontal surface is at a height of one hundred fifty (150) feet above the airfield elevation.

(f) Airfield Transitional Surfaces - The airfield transitional surfaces are imaginary surfaces on each side of the runway. They slope upward and outward seven (7) 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 one hundred fifty (150) feet above the airfield elevation.

Section 20-4 Uses and Structures Prohibited in the "AP" District:

No use shall be made within the "AP" District in such a manner as to create electrical interference with navigational signals or radio communications between the airfield and aircraft, making it difficult for pilots to distinguish between airfield lights and others, resulting in glare in the eyes of pilots, impairing visibility or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering in aircraft intending to use the airfield.

Except as otherwise regulated in this ordinance, no structure or tree shall be erected, altered or allowed to grow so as to penetrate the airfield approach, horizontal or transitional surfaces.

Section 20-5 Helicopters and Heliports: Helicopters may use an approved airfield 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 Regulations, U. S. Department of Transportation, as amended.

Section 20-6 Establishment of "AP" Districts: "AP" Districts shall only be established or modified by the Board of Supervisors as a map amendment to this ordinance in accordance with provisions of Article 5 hereof.

ARTICLE XXI
"PUD" - PLANNED UNIT DEVELOPMENT DISTRICT

Section 21-1 Intent:

(a) The PUD district is intended to permit the development of planned neighborhoods and communities in accordance with the comprehensive plan on lands containing minimum acreages. All PUD districts shall be served by central sanitary sewer disposal facilities, adequate highway access and an approved central water supply system.

(b) Within such planned communities, the establishment and location of all residential, commercial, industrial and governmental uses, school sites, parks, playgrounds, recreation areas and other open spaces shall be controlled in such manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another. Such planned communities, when approved, shall constitute a part of 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 recognition of this requirement.

Section 21-2 Procedure for Establishment:

(a) The Board of Supervisors may authorize the development of planned unit developments within the AR, R-20, R-11 and RM Zoning districts created by this ordinance, after notice and hearing as required by Section 15.1-431 of the Code of Virginia. Such authorization shall be given only to land areas of minimum acreages under common ownership or control as specified below for each type of PUD zone:

	<u>County Jurisdiction</u>	<u>Incorporated Town Jurisdiction</u>
(1) PUD: AR Districts	50 acres	30 acres
(2) PUD: R-20; R-11 Districts	25 acres	2 acres
(3) PUD: R-M Districts	15 acres	2 acres

(b) Additional land area may subsequently be added to an approved planned unit development if it adjoins or forms a logical addition to an existing planned 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.

(c) The applicant shall file an application for rezoning to PUD with the zoning administrator, and shall furnish with his application twenty eight {28} copies of a conceptual development plan, prepared or certified by a surveyor, engineer, county or city planner, land planner, architect or other qualified person, showing the proposed location of the various types of land use, the proposed net densities and population in residential areas, the street plan, central water system, and provisions for the disposition of sanitary waste, storm drainage plan, and a plan showing the location of recreational spaces, parks, school and other public or community uses in keeping with Article 5-1b(b).

(d) 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 a 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.

(e) Following the recommendation of the Planning Commission and the approval of the Board of Supervisors of the preliminary plan, the applicant shall furnish fifteen copies of the final plan of any section of not less than ten acres of land shown on the preliminary plan, prepared or certified by a duly licensed surveyor or engineer, showing the layout of all streets and roads, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings and the metes and bounds of all dedicated areas and lots. The applicant shall also furnish a proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between structures. When the final plan and deed of dedication shall have been approved as being in conformity with this section of the ordinance 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 recorded. Thereafter, no modification may be made in the final plan except by an amended final plan submitted as provided for the original plan.

Section 21-3 Uses Permitted by Right: The following uses shall be permitted by right in PUD Districts. All uses permitted by right or by special use permits in the following districts are as follows: AR, R-20, R-11, RM, CN, CG, CW, PI, IL and IG. Such uses shall be subject to approval by the Board of Supervisors, according to an adopted preliminary plan.

(a) Any use permitted in a PUD district shall be permissible only in the location shown on the approved preliminary plan.

(b) Total commercial uses, including related parking, shall not exceed a standard of five percent of the total area within the PUD, and such uses shall be designed to serve primarily the residents of the PUD.

Permissible commercial uses may be located within the same building as multiple family dwellings provided the uses are on a separate floor or the entrance is on a separate side of the building from the residential entrance.

(c) Total industrial uses shall be limited to ten percent of the total land area of the PUD.

(d) Overall residential densities shall not exceed the following number of units per gross acre for each type of PUD zone:

- (1) PUD-AR: 0.5 dwelling units per gross acre.

- (2) PUD-R20: 3.0 dwelling units per gross acre.
- (3) PUD-R11: 5.0 dwelling units per gross acre.
- (4) PUD-RM: 10.0 dwelling units per gross acre.

However, subject to Planning Commission approval, the gross density of dwelling units per acre may be increased up to twenty-five percent over the density regularly permitted in the district in which the development is located.

(e) In computing average density on any final plan of a part of a PUD 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.

(f) The Planning Commission and the Board of Supervisors or its agents may require, as a conditional prerequisite to approval of the development, that the developer allocate space necessary for public purposes including parks, schools, open space, playgrounds, 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 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 development.

Section 21-4 Special Uses and Structures: No special use permit is applicable in a PUD District; the procedure for all uses is as set out in the preceding sections.

Section 21-5 Area Requirements: There shall be no maximum percent lot coverage for the individual uses within a PUD, but of the total gross acreage within the development no more than seventy-five percent of the site shall be developed with lots, buildings, streets and off-street parking.

Section 21-6 Setbacks: There shall be no minimum setback requirements within a PUD 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 plans as required.

Section 21-7 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 twenty-four feet from any other single-family dwelling.

Section 21-8 Heights: There shall be no height regulations, except when a PUD is located in the airport district, the airport district regulations shall apply.

Section 21-9 Corner Lots:

(a) Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

(b) The side yard on the side facing the side street shall be thirty feet or more for both main and accessory buildings.

Section 21-10 Accessory Structures:

(a) Accessory buildings' aggregate area shall not exceed twenty-five percent of the lot or parcel.

(b) Accessory buildings shall not be located closer than twenty-five feet to any property line.

Section 21-11 Open Space: Open space requirements shall be as set forth in other provisions of this Article.

Section 21-12 Minimum Off-Street Parking: Minimum off-street parking requirements shall be as set forth in Article 24 herein.

Section 21-13 Signs: Requirements for signs shall be as set forth in Article 23 herein.

Section 21-14 Site Plan Approval: Requirements for site plan approval shall be as set forth in Article 25 herein.

ARTICLE XXII
"FH" - FLOOD HAZARD DISTRICT

Section 22-1 Purpose and Intent: This district is established with the authority of the Code of Virginia, Article 15.2.-2283, 15.2-2284 for the purpose of providing safety from floods, prevention of property damage and loss and all other related dangers; and of promoting the health, safety and general welfare by regulating and restricting areas in the tidal flood plains of the Chesapeake Bay, the Atlantic Ocean, and all creeks and streams which are subject to overflowing of their banks. The provisions of this Article shall apply in any zoning district within the County, a portion of which is located within a flood plain area, the boundaries of which are indicated on the official zoning map, which is an integral part of this ordinance, and are shown as overlapping other zoning districts. The regulations set forth in this district shall be construed to qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

Section 22-2 Interpretation and Application of Flood Plain:

(a) For the purpose of establishing the Flood Hazard District and for delineation of such district, the report and accompanying maps entitled, "Wave Height Study", prepared by Dewberry & Davis, Consulting Engineers, dated February 1, 1983 and Federal Flood Insurance Maps dated February 2, 1983 and as revised August 3, 1992 and may, hereafter, be revised to include the Coastal Barrier Resource System (CBRS) boundary modification, for the Federal Emergency Management Agency, Federal Insurance Administration, establishing said Zone shall apply. The areas indicated on such maps as Zone V-7 and Zone A-7 shall constitute the Flood Hazard District for the purpose of this Article, and shall be designated as the Coastal High Hazard Area for Zone V-7, and Coastal Flood Plain for Zone A-7 for the purpose of this Article. Any proposed changes in the delineation of the Flood Hazard District are subject to approval by the Federal Insurance Administrator, Federal Emergency Management Agency.

All new development areas shown within the CBRS after November 16, 1990 shall not qualify for flood insurance.

(b) This Article shall apply to all lands of Northampton County which are shown on the Zoning Map of Northampton County to be located in the Flood Hazard District (FH) as interpreted under Article 22-2(a).

(c) In the application of zoning laws within the County, the Zoning Map as heretofore constituted and those map sheets developed by the Federal Emergency Management Agency and Dewberry & Davis referred to in Article 22-2(a) which depict flood hazard districts shall be read and construed together.

(d) The provisions of this Article shall take precedence over any conflicting ordinances of the County within the Flood Hazard District.

Section 22-3 Uses Permitted:

The following uses shall be permitted within the Flood Hazard District to the extent they are not prohibited by other provisions of this ordinance or other ordinances, upon approval of a building permit.

(a) Agricultural uses, horticulture, truck farming, forestry, sod farming, seafood industries and related uses.

(b) Recreational facilities, both public and private, such as golf courses, tennis courts, hunting and fishing areas, boat ramps, swimming areas, marinas, boat docks, and campgrounds and similar facilities.

(c) New commercial, industrial and residential structures, including manufactured homes, and substantial improvements of existing residential structure, industrial and commercial structures, subject to the provisions of Article 22-4 and 22-5.

Section 22-4 General Regulations for the Flood Hazard District: within the Flood Hazard District, which is composed on the Coastal High Hazard Area and the Coastal Flood Plain, the following regulations shall apply in addition to the Special Regulations found in Article 22-5:

(a) New commercial, industrial and residential, including manufactured homes and structures and substantial improvements of existing commercial, industrial and residential (including manufactured homes) structures that are permitted uses in Article 22-3 and 22-5 shall have their lowest portion of the structural members of the lowest floor (excluding the piling of columns) elevated to at least the wave crest elevation shown below in the area indicated and related to the wave crest study map for Northampton County. Such structures shall be adequately anchored to pilings or columns and securely anchored to such pilings or columns. A registered or professional engineer or architect shall certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash and to prevent flotation, collapse, or lateral movement.

(b) General Flood Heights:

TRANSECT DESCRIPTIONS

Transect	Location	Elevation (feet)	
		Stillwater 100 year	Maximum Wave Crest 100 year
No. 1	From the northern corporate Limits to Upper Landing Creek	9.5	15
No. 2	From Upper Landing Creek to Great Machipongo Inlet	9.5	15
No. 3	Entire shoreline of Cobb Island	9.6	15
No. 4	Entire shoreline of Wreck Island	9.7	15
No. 5	Entire shoreline of Myrtle Island	9.8	15
No. 6	Entire shoreline of Smith Island	9.8	15
No. 7	Entire shoreline of Adams Island	9.8	15
No. 8	Southern shore of Fishermans Island	9.8	15
No. 9	Western shore of Fishermans Island To Butlers Bluff	8	12
No. 10	From Butlers Bluff to S.R. 1901, Extended	8	12
No. 11	From S.R. 1901, extended, to Old Plantation Creek	8	12
(b) General Flood Heights continued:			
No. 12	Entire shoreline of Old Plantation Creek	8	12
No. 13	From Old Plantation Creek to Cape Charles Harbor	8	12
No. 14	From Cape Charles Harbor to the Southern shore of Cherrystone Inlet	8	12
No. 15	Entire shoreline of Cherrystone Inlet	8	12
No. 16	From the northern shore of Cherrystone Inlet	8	12
No. 17	From Custis Pond to Barlow Creek	8	12
No. 18	From Barlow Creek to Mattawoman Cr.	8	12
No. 19	From Mattawoman Creek to Hungars Cr.	8	12
No. 20	Entire shoreline of Hungars Creek	8	12
No. 21	From Hungars Creek to Westerhouse Cr.	8	12
No. 22	From Westerhouse Creek to Nassawadox Creek	8	12
No. 23	From Nassawadox Creek to Killmon Cove	8	12
No. 24	From Killmon Cove to the County Boundary/Occhohannock Creek	8	12

(c) All public and private utilities and facilities such as sewer, gas, electrical, and water systems are to be located, elevated, and constructed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters. On site waste disposal systems are to be located to avoid impairment to them or contamination from them during flooding.

(d) All construction, both new and substantial alterations, shall consist of materials and utility equipment that is resistant to flood damage and construction methods and practices that will minimize flood damage shall be utilized.

(e) All proposed subdivisions or group housing, industrial or commercial projects shall be reviewed by the Northampton County Building Inspector and Director of Planning to insure that all proposal are consistent with the need to minimize flood damage.

(f) Adequate drainage relative to subdivisions, group housing, industrial and commercial structures shall be provided so as to reduce exposure to flood hazards.

(g) No County permit shall be issued for a use or structure prior to the County receiving all necessary permits from Federal or State agencies as may be required under Federal and State law.

(h) Variances from the minimum requirements in a Flood Hazard District may be granted provided the requirements of Article 6-3 (c) (6) of this Ordinance are adhered to.

(i) Existing manufactured homes or substantially improved manufactured homes (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement-

Section 22-5 Special Flood Hazard District Management Regulations: The Flood Hazard District is divided into two sub-zones: See Article 22-2 (a). The following requirements shall apply to all structures as indicated for the respective sub-zones:

(a) Coastal High Hazard Area (V-7 Zone):

(1) The placement of manufactured homes, except in existing manufactured parks and manufactured home subdivision is prohibited.

(2) Man-made alterations of sand dunes and landfill is prohibited.

(3) The use of fill for structural support buildings is prohibited.

(4) All new residential, commercial and industrial construction must be located landward of the reach of mean high tide; except marinas, boat

docks, piers, boat houses, and marine resource facilities (fishing industry) who must locate in shoreline and seaward areas, are exempt.

(5) The required space between the existing ground level and the first floor of the structure (including basement floor) shall be free from obstruction, or be constructed with breakaway walls intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure by abnormally high tides or wind driven water is minimized. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by the Virginia Uniform Building code (BOCA). Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Non-conforming structures cannot be expanded.

(7) Recreational vehicles used for other than recreational use are prohibited.

(b) Coastal Flood Plain Area (A-7):

(1) The placement of individual manufactured homes as well as the placement of manufactured homes in manufactured home parks and manufactured home subdivisions, is permitted provided they are anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. All manufactured homes shall be firmly anchored by the following methods:

(i) Over-the-top ties provided at each of the four corners of the home, with two additional ties per side at intermediate location; homes less than 50 feet long shall have four additional ties per side.

(ii) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points; and homes less than 50 feet long shall have four additional ties per side.

(iii) All components of the above anchoring system shall be capable of carrying a force of 4,800 pounds.

(iv) Any addition to the home shall be similarly anchored.

(v) New manufactured home parks and manufactured home subdivisions and expansions to existing manufactured home parks and manufactured home subdivisions in the Coastal Flood Plain sub-zone shall provide for stands or lots which are elevated on compacted fill or on pilings so that the structural members of the lowest floor of the home will be at or above the 100 year flood level; shall have adequate surface drainage and access for a hauler and, when elevated on pilings, the lots shall be large enough to permit steps. Piling foundations will be placed in stable soils no more than ten feet apart and not less than 36 inches in height above grade, and reinforcement will be provided for pilings more than six feet above

the ground level. All existing manufactured home parks and subdivisions that are to be repaired, reconstructed, or improved relative to streets, utilities and pads shall comply with the foregoing requirements if such repairs, improvements, or reconstruction equals or exceeds 50% of the value of the streets, utilities and pads before the repairs, construction, or improvements have commenced.

(vi) Recreational vehicles placed on sites within Zone A-7 on the community's FIRM will either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of paragraph (b) (1) and the elevation and anchoring requirements for placement and the elevation and anchoring requirements for manufactured homes in paragraph (b) (1) (v) above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(2) The use of fill for aesthetic purposes for structures is permitted provided piles or piers are first installed as the basic foundation to obtain the proper elevation to raise the floor above the established elevation above mean sea level.

(3) All new construction must be landward of the reaches of mean high tide.

(4) Floodproofing of new construction and substantial improvement of existing residential structures is not permitted. Existing commercial and industrial structures and substantial improvements of commercial and industrial structures are encouraged to be elevated above the base floor Depth or floodproofed. Where floodproofing is permitted, the following shall be complied with:

(i) All new construction and substantial improvements on nonresidential structures shall have the structural members of the lowest floor (including basement) elevated to or above the flood level, or together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(ii) A registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood. The building inspector shall maintain a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

(5) In the Coastal Flood Plain, no new construction, substantial improvements or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed

development, when combined with other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section 22-6 Supplemental Regulations: All subdivision proposed located within the established Flood Hazard District shall have indicated on the subdivision plat base flood elevation data to the following extent:

(a) The established 100 year flood line shall be indicated on the subdivision plat.

(b) The lowest and highest elevation for each lot within the proposed subdivision above mean sea level shall be located on said lot as a spot elevation.

(c) In riverain situations, adjacent communities and the State Coordinating Office shall be notified prior to any alteration or relocation of a water course and copies of such notification sent to the Flood Insurance Administrator and it shall be assured that the flood carrying capacity within the altered or relocated portion of any water course is maintained. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the one hundred (100)-year flood elevation.

Section 22-7 Administration:

(a) The Zoning Administrator shall furnish a written report of his findings to the Planning Commission at such time as the subdivision plat or group housing project site plan comes before the Planning Commission for preliminary approval or for a recommendation for action, as the case may be. The Zoning Administrator shall review plats and site plans prior the final approval by designated authorities, and he shall communicate his findings to the appropriate authorities in writing. Disapproval of flood control measures by the building official or Zoning Administrator at any state of review, shall be grounds for deferral or disapproval of the development by the Planning Commission, Board of Supervisors, Director of Planning, Building Official, and Zoning Administrator. Any person whose plans or permit application is disapproved on grounds of inadequate flood protection measures shall be so informed by the Zoning Administrator. Such person shall then have the right to have such review in writing within five days of receiving notice of disapproval. The Board shall review the decision of the Building Official or Zoning Administrator and render its decision at its earliest opportunity.

If the original decision shall be reversed by the Board, the subdivision plan, site plat, or building permit application shall then be deemed approved, insofar as flood control measures are concerned.

(b) The building official shall determine the adequacy of floodproofing measures, subject to the guidelines stated elsewhere in this Ordinance and State Building Code prior to the issuance of a building permit.

(c) All building permits, site plans and subdivisions shall be reviewed by the

appropriate authorized authority for compliance with the requirements of the District.

(d) All building permits shall indicate the required elevation needed to provide for floodproofing.

Section 22-8 Warning and Disclaimer of Liability: The degree of flood protection required by the Flood Hazard District within this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This district and ordinance shall not create liability on the part of the county or any officer, agency or employee thereof for any flood damage that results from reliance on this Ordinance or an administrative decision lawfully made thereunder.

Article XXIIA.

Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District

Section 22A-1 Title: This ordinance shall be known and referenced as the "Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District" of Northampton County.

Section 22A-2 Findings of Fact:

The Chesapeake Bay/Atlantic Ocean and its 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 Bay and the 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 Bay/Atlantic Ocean Preservation Areas (hereinafter "CBAOPAs"), need to be protected from destruction and damage in order to protect the quality of water in the Bay and Atlantic Ocean and consequently the quality of life in Northampton County and the Commonwealth of Virginia.

section 22A-3 Purpose and Intent:

A. This ordinance is enacted to implement the requirements of section 10.1-2100 and Title 15.1, Chapter 11, Article VIII of the Code of Virginia, 1950 as amended (The Chesapeake Bay Preservation Act) and amends the Zoning Ordinance of Northampton County. The intent of the Board of Supervisors and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) 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; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Northampton County.

B. 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 Bay/Atlantic Ocean Preservation Area Overlay 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

Article.

c. This Article is enacted under the authority of Section 10.1-2100 (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia. Section 15.1-489 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-44.85 (8)."

Section 22A-4 Areas of Applicability:

A. The Chesapeake Bay/Atlantic Ocean Preservation Area Overlay District shall apply to all lands identified as CBAOPAs 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 a part of this Article.

(1) The Resource Protection Area (RPA) includes:

- a. Tidal wetlands;
- b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
- c. Shorelines and/or Tidal shores;
- d. Coast Primary Sand Dune;
- e. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections a. through e. above, and along both sides of any tributary stream.

(2) The Resource Management Area (RMA) is composed of concentrations of the following land categories: floodplains, highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the RPA; other lands necessary to protect the quality of state waters.

B. The Zoning District Map shows the general location of CBAOPAs and should be consulted by persons contemplating activities within Northampton County prior to engaging in a regulated activity.

C. Areas designated as redevelopment areas shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section 22A-10 (Performance Standards.).

D. If the boundaries of a CBAOPA include a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply with the requirements of the Overlay District. The division of property shall not constitute an exemption from this requirement.

Section 22A-5 Use Regulations:

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

section 22A-6 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 Section 22A-10, when such development is not otherwise allowed in the RPA.

Section 22A-7 Required Conditions:

All development and redevelopment exceeding 2500 square feet 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 the Zoning Ordinance or a subdivision plat in accordance with the Subdivision Ordinance.

B. Development in RPAs may be allowed only if it: (1) is water-dependent; or (ii) constitutes redevelopment.

C. A water quality impact assessment shall be required for any proposed development or redevelopment within RPAs and for any development within RMAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section 22A-11, of this Article.

Section 22A-8 Conflict with other Regulations:

In any case where the requirements of this Article 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.

Section 22A-9 Interpretation of Resource Protection Area Boundaries:

A. Delineation by the Applicant.

The site-specific boundaries of the Resource Protection Area shall ordinarily be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Director of Planning and in accordance with Section 22A-12, (Plan of Development) of this Article. The Zoning District Map shall be used as a guide to the general location of Resource Protection Areas.

B. 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 delineation. The Zoning Administrator may use remote sensing, hydrology, soils, plant species, and other data, and consult other

appropriate resources as needed to perform the delineation.

C. Where 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 render adjustments to the applicant's boundary delineation, in accordance with Section 22A-12, (Plan of Development) of this Article. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section 22A-12.H and Article VI of this ordinance.

Section 22A-10 Performance Standards:

A. 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 stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater 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.

B. General Performance Standards for Development and Redevelopment.

(1) Land disturbance shall be limited to the area necessary to provide for the desired use or development.

- a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.
- b. The construction footprint shall not exceed 60% of the site.
- c. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning

Administrator.

- (2) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.
 - a. Existing trees over six (6) inches diameter at breast height (DBH) shall be preserved outside the construction footprint.

Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.
 - b. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrators.
 - c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected 5 feet outside of the dripline 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.
- (3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
 - a. 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.
 - b. Parking space size. See Article XXIV of this Ordinance.

c. Water Retention Ponds shall be used where feasible.

- (4) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A combination of a buffer area not less than 50 feet in width and appropriate best management practices located landward of the buffer area which collectively achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the full 100-foot buffer area may be employed in lieu of the 100-foot buffer if approved by the Zoning Administrator after consideration of the Water Quality Impact Assessment, in accordance with Section 22A-11 of this Article.

The buffer area shall be maintained to meet the following Additional performance standards:

- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, as follows:
- a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, 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 shall be constructed and surfaced so as to effectively control erosion.
 - c. Dead, diseased, or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the best available technical information.

- 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 requirements.
- (2) 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, the Zoning Administrator may modify the width of the buffer area in accordance with Section 22A-12 (Plan of Development) and the following criteria:
- a. Modifications to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - b. Where possible, an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel in a way to maximize water quality protection; and
 - c. In no case shall the reduced portion of the buffer area be less than 50 feet in width.
- (3) On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area. The agricultural buffer area may be reduced as follows:
- a. To a minimum width of 50 feet when the adjacent land is implementing a federal, state, or locally-funded agricultural best management practices program, provided that the combination of the reduced buffer area and the best management practices achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100 foot buffer area.
 - b. To a minimum width of 25 feet when a soil and water quality conservation plan, as approved

by the local Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based upon the Field Office Technical Guide of the U. S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Article.

- c. The buffer area is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the local Soil and Water Conservation District.

Section 22A-11 Water Quality Impact Assessment:

A. Purpose and Intent.

The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed development on water quality and lands within RPAs and other environmentally-sensitive lands; (ii) ensure that, where 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; (iii) to 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; (iv) provide for administrative relief from the terms of this Article when warranted and in accordance with the requirements contained herein; and (v) specify mitigation which will address water quality protection.

B. Water Quality Impact Assessment Required.

A water quality impact assessment is required for (i) any proposed development within an RPA, including any buffer area modification or reduction as provided for in Section 22A-10, of this Article; (ii) any development in a 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.

C. Minor Water Quality Impact Assessment.

A minor water quality impact assessment pertains only to development within CBPAs which causes no more than 5,000 square feet of land disturbance and requires any modification or reduction of the landward 50 feet of the 100 foot buffer area. A minor assessment must demonstrate through acceptable calculations that the remaining buffer area and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff. A minor assessment shall include a site drawing to scale which shows the following:

- (1) Location of the components of the RPA, including the 100 foot buffer area;
- (2) Location and nature of the proposed encroachment into the buffer area, if needed, including: type of paving material; areas of clearing and grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;
- (3) Type and location of proposed best management practices to mitigate the proposed encroachment.
- (4) The area to be disturbed necessitated by the construction.

D. Major Water Quality Impact Assessment.

A major water quality impact assessment shall be required for any development which (i) exceeds 5,000 square feet of land disturbance within CBPAs and requires any modification or reduction of the landward 50 feet of the 100 foot buffer area; (ii) disturbs any portion of the seaward 50 feet of the 100 foot buffer area or any other component of an RPA; or (iii) is located 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:

- (1) All of the information required in a minor water quality impact assessment, as specified in Section 22A-11.c.;
- (2) A hydrogeological element that:
 - a. Describes the existing topography, soils, hydrology and geology of the site and adjacent lands.
 - b. Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands.
 - c. Indicates the following:
 1. Disturbance or destruction of wetlands,

primary and secondary
dunes and
justification for such
action;

2. Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers or other water bodies;
3. Disruptions to existing hydrology including wetland and stream circulation patterns;
4. Source location and description of proposed fill material;
5. Location of dredge material and location of dumping area for such material;
6. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;
7. Estimation of pre- and post-development pollutant loads in runoff;
8. Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
9. Percent of site to be cleared for project;
10. Anticipated duration and phasing schedule of construction project;

11. Listing of all requisite permits from all applicable agencies necessary to develop project.

d. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

1. Proposed erosion and sediment control concepts; 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;

2. Proposed stormwater management system;

3. Creation of wetlands to replace those lost;

4. Minimizing cut and fill.

(3) A landscape element that:

a. Identifies and delineates the location of all significant plant material on site, including all trees six (6) inches or greater diameter at breast height or where there are groups of trees, stands may be outlined.

b. Describes the impacts the development or use will have on the existing vegetation. Information should include:

1. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;

2. Clear delineation of all trees which will be removed;

3. Description of plant species to be disturbed or removed.

c. Describes the potential measures for mitigation. Possible mitigation measures

include:

- L Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;
 - 2. 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.
 - 3. Demonstration that indigenous plants are to be used to the greatest extent possible.
- (4) A wastewater element, where applicable, that:
- a. Includes calculations and locations of anticipated drainfield or wastewater irrigation areas;
 - b. Provides justification for sewer line locations in environmentally-sensitive areas, where applicable, and describes construction techniques and standards;
 - c. Discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses.
 - d. Describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.
- (5) Identification of the existing characteristics and conditions of sensitive lands included as components of Chesapeake Bay Preservation Areas, as defined in this Article.
- (6) Identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.

E. Submission and Review Requirements

- (1) Eight copies of all site drawings and other applicable information as required by Subsections C and D above

shall be submitted to the Zoning Administrator for review.

- (2) All information required in this section shall be certified as complete and accurate by a professional engineer or a certified land surveyor.
- (3) A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with Section 22A-12, (Plan of Development) of this Article.
- (4) 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 Section 22A-12 of this Article, as deemed necessary by the Zoning Administrator.
- (5) As part of any major water quality impact assessment submittal, the Zoning Administrator may require review by the Chesapeake Bay Local Assistance Department (CBLAD) 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 CBLAD 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.

F. Evaluation Procedure.

- (1) Upon the completed review of a minor water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the provisions of this Article and make a finding based upon the following criteria:
 - a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - b. Impervious surface is minimized;
 - c. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
 - d. The development, as proposed, meets the purpose and intent of this Article;

- e. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a major water quality impact assessment, the Zoning Administrator will determine if the proposed development is consistent with the purpose and intent of this Article and make a finding based upon the following criteria:
- a. Within any RPA, the proposed development is water-dependent;
 - b. The disturbance of any wetlands will be minimized;
 - c. The development will not result in significant disruption of the hydrology of the site;
 - d. The development will not result in significant degradation to aquatic vegetation or life;
 - e. The development will not result in unnecessary destruction of plant materials on site;
 - f. Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
 - g. Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve the required performance standard for pollutant control;
 - h. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;
 - i. The design and location of any proposed drainfield will be in accordance with the requirements of Section 110.
 - j. The development, as proposed, is consistent with the purpose and intent of the Overlay District;
 - k. The cumulative impact of the proposed development, when considered in relation to other

development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

- (3) The 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 subsections (1) and (2).
- (4) The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this Article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria listed in subsections (1) and (2).

Section 22A-12 Plan of Development Process:

Any development or redevelopment exceeding 2500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this Article.

A. Required Information

In addition to the requirements of Article XXV of this ordinance or the requirements of the Northampton County Subdivision and Development Ordinance, 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 following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

- (1) A site plan in accordance with the provisions of Article XXV of this ordinance; or a subdivision plat in accordance with the provisions of the Land Subdivision and Development Ordinance of Northampton County;
- (2) An environmental site assessment;
- (3) A landscaping plan;
- (4) A stormwater management plan;
- (5) An erosion and sediment control plan in accordance with the provisions of the Northampton County Soil and Sediment Control Ordinance.

B. Environmental Site Assessment.

An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.

- (1) The environmental site assessment shall be drawn to scale with a narrative and clearly delineate the following environmental features:
 - a. Tidal wetlands;
 - b. Tidal shores and beaches;
 - c. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams;
 - d. Primary sand dunes;
 - e. A 100 foot buffer area located adjacent to and landward of the components listed in subsections a. through d. above, and along both sides of any tributary stream;
 - f. Other sensitive environmental features as determined by the Zoning Administrator.
- (2) Wetlands delineations shall be performed consistent with the procedures specified in the Federal 'Manual for Identifying and Delineating Jurisdictional Wetlands, 1989.
- (3) The environmental site assessment shall delineate the site-specific geographic extent of the RPA.
- (4) 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. 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.

C. Landscaping Plan.

A landscaping plan may be required in conjunction with 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.

Landscaping plans when required shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

- (1) Contents of the Plan.
 - a. 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 six (6) 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 six (6) 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.

- b. Any required buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.
- c. Within the buffer area, trees to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Article, shall be shown on the plan. Vegetation required by this Article to replace any existing trees within the buffer area shall be also be shown on the landscaping plan.
- d. Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscaping plan.
- e. 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.
- f. The landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

(2) Plant Specifications.

- a. 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.
- b. 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.

- c. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted trees to one (1) removed. Replacement trees shall be a minimum three and one-half (3.5) inches DBH at the time of planting.

(3) Maintenance.

- a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Article.
- b. 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 Article.

D. Stormwater Management Plan.

A stormwater management plan shall be submitted as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.

(1) Contents of the Plan.

The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the stormwater management plan must contain the following:

- a. Location and design of all planned stormwater control devices;
- b. Procedures for implementing non-structural stormwater control practices and techniques;
- c. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;

- d. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification;
- (2) Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.
- (3) All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Local Assistance Manual, Virginia Erosion and Sediment Control Handbook, Virginia Department of Transportation Drainage Manual, or any other good engineering methods deemed appropriate by the Zoning Administrator.
- (4) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than Northampton County then a maintenance agreement shall be executed between the responsibility party and Northampton County.

E. Erosion and Sediment Control Plan.

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the Northampton County Soil and Sediment Control Ordinance, in conjunction with site plan or subdivision plan approval.

F. Final Plan.

Final plans for property within CBAOPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Article XXV and the Northampton County Land Subdivision and Development Ordinance and this ordinance.

- (1) Final plans for all lands within CBAOPAs shall include the following additional information:
 - a. The delineation of the Resource Protection Area boundary;
 - b. The delineation of required buffer areas;
 - c. All wetlands permits required by law;
 - d. 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.

(2) Installation and Bonding Requirements.

- a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.
- b. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to Northampton County a form of surety satisfactory to the Zoning Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or other specifications and/or maintenance costs for any required stormwater management facilities.
- c. 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.
- d. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to 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.
- e. After all required actions of the approved siteplan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the

satisfaction of the Zoning Administrator, 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 a 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.

G. Administrative Responsibility.

Administration of the plan of development process shall be in accordance with Article XXV of this Ordinance or the Northampton County Land Subdivision and Development Ordinance.

H. Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Planning Commission. Such appeal shall be made in written form within 30 days of the negative decision. In granting or denying an appeal, the Planning Commission must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area or such plan meets the purpose and intent of the performance standards in this Article. If the Planning Commission finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan. In the event of a denial of appeal to the Planning Commission, the applicant may appeal such decision to the Northampton County Board of Supervisors. said appeal shall be made within 15 days of the negative decision. Further appeals by the applicant shall be as established by law.

Section 22A-13 Nonconforming Use and Development Waivers:

The lawful use of a building or structure which existed on [date of adoption] or which exists at the time of any amendment to this Article, and which is not in conformity with the provisions of the Overlay District may be continued in accordance with Article III of this Ordinance.

No change or expansion of use shall be allowed with the exception that:

- (1) The Zoning Administrator may grant, a nonconforming use

and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations, waivers/variances for additions must be acted upon by the Northampton County Board of Zoning Appeals in keeping with Article VI of this Ordinance provided that:

- a. There will be no increase in nonpoint source pollution load;
 - b. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirement of this Article.
 - c. The intent of Article III nonconforming uses is upheld.
- (2) An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include for the purpose of proper enforcement of this Article, the following information:
- a. Name and address and property owner;
 - b. Legal description of the property and type of proposed use and development;
 - c. 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 Resource Protection Area;
 - d. Location and description of any existing private water supply or sewage system.
- (3) A nonconforming use and development waiver variance shall become null and void twelve months from the date issued if no substantial work has commenced.

Section 22A-14 Exemptions:

A. Exemptions for Utilities, Railroads, and Public Roads.

Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the Overlay District 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 desired 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.

B. Exemptions for silvicultural Activities.

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations."

C. Exemptions in Resource Protection Areas.

The following land disturbances in Resource Protection Areas may be exempted from the Overlay District: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the 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 2500 square feet shall comply with all Northampton County erosion and sediment control requirements.

Section 22A-15 Exceptions:

A. A request for an exception/variance to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It 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 Section 22A-11.

B. The Zoning Administrator 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 Article if the Zoning Administrator finds:

- (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;
- (2) 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;
- (3) The exception request is the minimum necessary to afford relief;
- (4) The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

c. If the Zoning Administrator cannot make the required findings or refuses to grant the exception, the Zoning Administrator shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance as provided in Article VI of this Ordinance.

D. The Board of Zoning Appeals shall consider the water quality impact assessment and the findings and rationale of the Zoning Administrator in determining harmony with the intended spirit and purpose of this Article and the guidelines for considering variances as established in Article VI of this Ordinance.

VESTED RIGHTS 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 land use 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. Therefore, it shall be the policy of Northampton County to consider vested 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 Article 25 of the Zoning Ordinance subject to performance within the limits of that Site Plan.

.
.
.

GUIDELINES FOR GRANTING RESOURCE PROTECTION AREA EXCEPTIONS
BY THE ZONING ADMINISTRATOR

The granting of an exception from the Resource Protection Area requirements as described in Article 22A of the County Zoning Ordinance shall be in keeping with the rules and regulations of Article 22A-1 5 of the Zoning Ordinance.

Those activities for which the Zoning Administrator shall consider granting an exception are the following:

1. New agricultural irrigation ponds and necessary maintenance provided the construction of an impoundment pond or excavated pond is accomplished following a review and recommended plan of construction by the Eastern Shore Soil and Water Conservation District. Also the enlargement of existing ponds for the purpose of expanding capacity.
2. Irrigation pipe and pump facilities including impervious pads for pump with no restriction as to distance from or location in Resource Protection Area components.
3. Vehicle accessways to irrigation ponds for maintenance work, provided that the width of such is the minimum necessary.
4. Access pathways for open-pile piers.
5. Boardwalks of open-pile construction, provided that the width is the minimum necessary for access.
6. Water lines for servicing open-pile piers.
7. Beach replenishment.
8. Cleaning, repair, and maintenance of drainage ways.
9. Dry fire hydrants.

John L. Humphrey, Zoning Administrator

March 3, 1993
Amended August 6, 1997

GUIDELINES FOR GRANTING OF EXCEPTIONS FROM
A RESOURCE PROTECTION AREA BY THE ZONING
ADMINISTRATOR

The granting of an exception from a Resource Protection Area as described in Article 22A of the County Zoning Ordinance shall be in keeping with the rules and regulations of Article 22A-15 of the County Zoning Ordinance.

Those activities for which the Zoning Administrator shall consider granting area:

1. New agricultural irrigation ponds and necessary maintenance provided the construction of an impoundment pond or excavated pond are accomplished following a review and recommended plan of construction by the Eastern Shore Soil and Water conservation District and enlargement of existing ponds for the purpose of expanding capacity.
2. Irrigation pipe and pump facilities including impervious pads for pump with no restriction as to distance from the Resource Protection Element.
3. Vehicle access to irrigation ponds for maintenance work to the extent the width of such that is necessary.
4. Access pathways for open-pile piers.
5. Water lines for servicing open-pile piers.
6. Beach replenishment.
7. Cleaning, repair and maintenance of drainage ways.
8. Dry fire hydrants.

Zoning Administrator

Date: 3/3/1993

ARTICLE XXIII
SIGNS

Section 23-1 Signs Permitted - "AR" Districts: The following signs shall be permitted and regulations shall apply in the Agriculture-Residential Districts:

(a) Farm or Business Signs (free standing or projecting signs) -

- (1) If illuminated, no moving, flashing, blinking, color-changing or exposed, bare or uncovered neon illumination of lighting;
- (2) The aggregate area of such signs shall not exceed thirty square feet;
- (3) No portion of such sign shall be greater in height than thirty feet from ground level or the eave line of the roof of the main building located on the premises upon which sign is erected;
- 4) No more than one free standing sign on anyone lot or premises;
- (5) No more than three projecting signs.

(b) Farm or Business Signs (Wall) -

- (1) If illuminated, no moving, flashing, blinking, color-changing, or exposed, bare or uncovered neon illumination of lighting;
- (2) The aggregate area of all such signs shall not exceed fifty square feet;
- (3) No portion of such sign shall be greater in height than thirty 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.

(c) Home Occupation Signs - If illuminated, no flashing, blinking, color-changing or neon lighting. Maximum size - four square feet.

(d) Location Signs (General Advertising) -

- (1) If illuminated, no moving, flashing, blinking, color-changing or neon illumination of lighting;
- (2) The area of the sign shall not exceed one hundred square feet;
- (3) No portion of the sign shall be greater in height than thirty feet from ground level;
- (4) Provided further that no such signs shall be closer to another such sign than one thousand five hundred feet on the same side of the right-of-way.

(e) Farm Directional Signs - No more than four such signs shall have on them the same name. Maximum size - four square feet.

(f) Farm and Residential Identification Signs -

(1) No more than four square feet in an area;

(2) Not more than two on any lot or premises.

(g) Temporary Event Signs - Sale or Rental Signs -

(1) Not more than sixteen square feet in an area unless the sign be more than six hundred feet from a public road, in which event such sign may be as much as, but no greater than sixty square feet in area;

(2) Not more than one on any lot or premises unless the same be fifty acres in area or more and have frontage on two or more public roads in which event, one sign may be erected for each road on which such lot or premises has frontage.

(h) Auction Signs -

(1) Not more than thirty-two square feet in area;

(2) Not more than one on any lot or premises.

(i) Public Signs -

(j) Subdivision Signs - Maximum size - sixty square feet.

(k) Hunting, Fishing or Trespassing Sign! -

(l) Political Signs - Maximum size - two and one half square feet.

(m) On Premises, Church and Non-Profit Organization Signs - Maximum size - 16 square feet.

Section 23-2 "R-20" and "R-11" Districts: The following signs shall be permitted and regulations shall apply in the R-20 and R-11 districts:

(a) Temporary Directional Signs - Four square feet.

(b) Home Occupations - If illuminated, no flashing, blinking, color-changing or neon lighting. Maximum size - Four square feet.

(c) Farm and Residential Identification Signs -

(1) Not more than four square feet in area;

(2) Not more than one on any farm or premises.

(d) Temporary Event Signs -

- (1) Not more than four square feet in area;
- (2) Not more than one on any lot or premises.
- (e) Sale or Rental Signs -
 - (1) Not more than four square feet in area;
 - (2) Not more than one on any lot or premises.
- (f) Political Signs, Public Signs and No Trespassing, Hunting and Fishing Signs
- (g) Subdivision Signs - See Article 2-3.
- (h) Auction Signs -
 - (1) Not more than thirty-two square feet in area;
 - (2) Not more than one on any lot or premises.
- (i) On Premises, Church and Non-Profit Organization Signs - Maximum size - 16 square feet.

Section 23-3 "RM" and "MBP" Districts: The following signs shall be permitted and regulations shall apply in the RM and MHP districts:

- (a) Business Signs - Limited to wall signs with an aggregate area not to exceed twenty square feet. If illuminated, no flashing, blinking or color-changing, or exposed, bare or uncovered neon illumination of lighting.
- (b) Sale or Rental Signs -
 - (1) Not more than thirty-two square feet in area;
 - (2) Not more than one on any lot or premises;
 - (3) No illumination permitted.
- (c) Home Occupation Sign - If illuminated, no flashing, blinking, no color-changing or neon illumination of lighting. Maximum size - four square feet.
- (d) Identification Signs -
 - (1) Not more than thirty-two square feet in area;
 - (2) Not more than one on any lot or premises.
- (e) Temporary Directional Signs - Maximum Size - Four square feet. No illumination.
- (f) Temporary Event Signs -
 - (1) Not more than four square feet in area;

- (2) Not more than one on any lot or premises.
- (g) Political, Public and No Trespassing, Hunting and Fishing Signs
- (h) Subdivision Signs - Maximum Size - Sixty square feet.
- (i) Auction Signs -
 - (1) Not more than thirty-two square feet in area;
 - (2) Not more than one on any lot or premises.
- (j) On Premises, Church, Non-Profit Organization Signs - Maximum Size - 16 square feet.

Section 23-4 "CN", "CV", and "CG" Districts: The following signs shall be permitted and regulations shall apply in the CN, CW/ and CG districts; (See also Article 23-13)

- (a) Business Signs (Free-Standing or Projecting Signs) -
 - (1) If illuminated, no moving, flashing, blinking, color-changing or exposed, bare or uncovered neon illumination or lighting;
 - (2) The aggregate area of such signs shall not exceed 100 square feet.
 - (3) No portion of such sign shall be greater in height than thirty feet from ground level or the eave line of the roof of the main building located on the premises upon which such is erected;
 - (4) No more than two free-standing signs on anyone lot or premises;
 - (5) No more than three projecting signs. (See also Article 23-14)
- (b) Business Signs (Wall)-
 - (1) If illuminated, no moving, flashing, blinking, color-changing, or exposed, bare or uncovered neon illumination or lighting;
 - (2) The aggregate area of all such signs shall not exceed one hundred square feet;
 - (3) No portion of such sign shall be greater in height than thirty feet from ground level or the eave line of the roof of the main building located on the premises upon which sign is erected. (See also Article 23-14)

(c) Sale or Rental Signs - Not more than two signs with an aggregate area of sixty-four square feet and limited to sixteen feet in height.

(d) Temporary Event Signs -

- (1) Not more than twenty-five square feet in area;
 - (2) Not more than two on any lot or premises.
- (e) Public, No Trespassing, Hunting, Fishing and Political Signs
- (f) Location Signs (General Advertising) -
- (1) If illuminated, no moving, flashing, *blinking* or color-changing or neon illumination or lighting.
 - (2) The area of the sign shall not exceed one hundred square feet;
 - (3) No portion of the sign shall be greater *in* height than thirty feet from ground level;
 - (4) Provided further, that no such sign shall be closer to another such sign than one thousand five hundred feet on the same side of the right-of-way.
- (g) Auction Signs -
- (1) Not more than thirty-two square feet in area;
 - (2) Not more than one on any lot or premises.

Section 23-5 "PI", "IL" and "IG" Districts: The following signs shall be permitted and regulations shall apply in the PI and GI districts.

- (a) Business Signs (Free-standing or Projecting Signs) -
- (1) If illuminated, no moving, flashing, blinking, color-changing, or exposed, bare or uncovered neon illumination or lighting;
 - (2) The aggregate area of such signs, shall not exceed seventy square feet;
 - (3) No portion of such sign shall be greater in height than thirty 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;
 - (4) No more than two free-standing signs on anyone lot or premises;
 - (5) No more than three projecting signs.
- (b) Entrance Signs - Not more than one free-standing sign and no greater than two hundred square feet in area and not exceeding 20 feet in height, may be erected at each entrance to the PI, IL or IG District. Such sign shall be erected in a landscaped setting.

- (c) Business Signs (Wall)-

(1) If illuminated, no moving, flashing, blinking, color-changing, or exposed, bare or uncovered neon illumination or lighting;

(2) The aggregate area of all such signs shall not exceed two hundred square feet;

(3) No portion of such sign shall be greater in height than thirty 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.

(d) Sale or Rental Signs - No more than two signs with an aggregate area if sixty-four square feet and limited to sixteen feet in height.

(e) Directional Signs - No more than four such signs to have on them the same name. Maximum Size - Four square feet.

(f) Temporary Event Signs -

(1) Not more than sixteen square feet in area;

(2) Not more than two on any lot or premises.

(g) Public, No Trespassing, Hunting, Fishing and Political Signs

(h) Location Signs -

(1) If illuminated, no moving, flashing, blinking, or color-changing or neon illumination or lighting;

(2) The area of the sign shall not exceed one hundred square feet;

(3) No portion of the sign shall be greater in height than thirty feet from ground level;

(4) Provided further that no such sign shall be closer to another such sign than one thousand five hundred feet on the same side of right-of-way.

(i) Auction Signs -

(1) Not more than thirty-two square feet in area;

(2) Not more than one on any lot or premises.

Section 23-6 Removal of Signs: All signs shall be properly maintained and whenever a sign becomes structurally unsafe or endangers the safety of a structure or premises or the public, or is erected or maintained in violation of this ordinance, the zoning administrator shall order such sign to be made safe or comply with this ordinance, as the case may be, or be removed. Such order shall be sent by registered mail and shall be complied with within twelve days from the date of mailing such order by the persons owning or responsible for the sign. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed, and the cost thereof shall be added to any fine imposed for violation under this ordinance.

Section 23-7 Nonconforming Signs and Discontinuance: Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. If any nonconforming sign is destroyed or damaged to the extent that the cost of restoration of its condition before the occurrence shall exceed fifty percent of the cost of reconstructing such sign, it shall be restored only if such use complies with the minimum size requirements of this ordinance.

Section 23-8 Signs as Traffic Hazards: No sign shall be located or illuminated in such a manner as in the opinion of the zoning administrator to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination of the sign are approved by the zoning administrator, who may consult with the resident highway office, Virginia Department of Highways and Transportation to assist him in determining whether a traffic hazard exists.

Section 23-9 Height and Illumination Generally:

(a) No part of any sign projecting more than twelve inches from any wall or from any other support shall be less than ten feet above the level of the ground at that point.

(b) Illumination of any advertising sign in a commercial or industrial district located within three hundred feet of any residential district, shall be extinguished between the hours of 12:00 Midnight and 7:00 a.m., except in hardship cases where the Board of Zoning Appeals may grant variances.

Section 23-10 Prohibited Signs: The following types of signs are prohibited in all zoning districts:

(a) Any sign of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere. This includes flags and pennants.

(b) Any sign displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not less than a five second cycle when such time or temperature sign does not constitute a public safety or traffic hazard, in the judgment of the zoning administrator.

(c) Any lighting either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof.

(d) Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.

(e) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by public authority.

(f) Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, or egress for any, building, as required by law.

(g) 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.

(h) Any portable sign, including any sign displayed on a vehicle when used primarily for the purpose of such display; except that this paragraph shall not apply to temporary political signs.

(i) Any sign that violates any provision of any law of the state relative to outdoor advertising.

Section 23-11 Sign Permits:

(a) No sign except auction or any temporary event signs, in excess of five square feet in area shall be erected without first obtaining a sign permit from the zoning administrator. No such permit shall be issued unless a fee of twenty-five dollars (\$25.00) is paid therefor, and unless the proposed sign conforms with the requirements of this ordinance.

(b) Every application for a sign permit shall be accompanied by a set of plans showing: The area of the sign, the size, structure, character and design proposed, the method of illumination if any, and the exact location proposed for the sign.

Section 23-12 Allowable Design and Content of Business Signs: It is the intent of this limitation to prohibit the use of exterior signs for the general advertisement of products, services or other matters having no relation to the premises upon which they are placed. The content or advertising message carried by business signs hereafter erected shall be limited to one or more of the following:

(a) The identification of building or its owners or occupants.

(b) Information concerning lawful activities on the premises or primary goods or services offered in connection therewith.

(c) The design shall conform with the building's architecture.

Section 23-13 Shopping Centers: Allowable Sign Dimensions and Special Regulations:

(a) Shopping centers shall be permitted one free-standing sign per street frontage; except that no more than two free-standing signs will be permitted for each shopping center. A free-standing shopping center sign shall display the shopping center name and may include identification signs for each individual store within the shopping center. Said signs shall be no larger than one hundred square feet.

(b) Individual shops and businesses in the shopping center may have all signs provided. If illuminated, no moving, flashing, or blinking, color-changing, or exposed bare or uncovered neon illumination or lighting.

(c) The aggregate area of a business wall sign shall not exceed twenty-four square feet.

(d) No portion of such sign shall be greater than thirty (30) feet in height from ground level, or extend beyond the eave line of the roof of the building located on the premises upon which such sign is erected. In lieu of the foregoing, specially designed signing consistent with the overall development plan for the shopping center is permitted subject to the approval of the Planning Commission.

(e) Individual shops and businesses in shopping centers may have identification signs under covered walks provided the sign is not more than three square feet in area and there is not more than one on a premise.

Section 23-14 Sign Setbacks: All signs, except "For Sale" or rental signs shall set back 10 feet from any road right-of-way.

ARTICLE XXIV
OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 24-1 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 entrance and exists by standard-size automobiles, as follows in this Article.

Section 24-2 Space on Same Lot and Adjacent Lots:

(a) 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) All off-street parking space 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. In such cases, the Planning Commission may authorize such alternative location of required parking space as will adequately serve the public interest, subject to the following conditions:

(1) Such space shall be located on land in the same ownership as that of the land on which is located the use to which such space is appurtenant or in the case of cooperative provision of parking space, in the ownership of at least one of the participants in the combination.

Section 24-3 Location of Parking:

(a) In any residential area where parking spaces are accommodated in parking bays, no space shall be further than one hundred feet from its appurtenant dwelling unit.

(b) Of such required spaces, one-third of the total number shall be so located as to be convenient for visitors and tradesmen requiring frequent ingress and egress.

Section 24-4 Cooperative Parking:

(a) Parking space required under the provisions of this ordinance 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 Planning Commission.

(b) 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.

Section 24-5 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 State Department of Highways and shall be approved by the County planning director.

Section 24-6 Parking Area Design:

(a) 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 guards where needed as determined by the administrator and all off-street parking spaces shall be delineated on the site.

(b) 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. Lighting of parking lots is mandatory.

(c) 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) All parking lots, bays or areas shall be landscaped to the maximum extent possible in keeping with good safety practice. Where adjacent to residential districts, all lots shall be screened.

Section 24-7 General Requirements: Off-street parking spaces and lots shall meet the following general requirements:

(a) Parking spaces for all residential uses shall be provided on the same lot with the use or structure to be served except as provided herein.

(b) 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, the Planning Commission may authorize alternative locations subject to the following conditions:

(1) Maximum distances to off-site lots or spaces must be not more than one hundred fifty feet from two-family and multi-family attached dwelling units and not more than five hundred 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 structure, not be reduced or encroached upon in any manner.

(3) The required number of off-street parking spaces for any number of use may be combined in one lot provided that each space is permanently available to the assigned use. 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 by reason of different hours of normal activity than those of other uses participating in the combination of required spaces.

(c) Construction vehicles, trucks and trailers of a gross weight of more than six thousand pounds shall not be parked in the areas between the front lot line and the setback line in any residential district.

(d) Area reserved for off-street parking in accordance with this ordinance 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) Off-street parking existing at the effective date of this ordinance 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.

Section 24-8 Site Requirements: All off-street parking space, aisles and driveways, except those provided for one- and two-family dwellings, shall be constructed and maintained in accordance with the following requirements:

(a) 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. Where more than ten spaces are required, the zoning administrator may require hard surfacing when such requirement would be to the public benefit.

(h) Parking areas shall be adequately drained.

(c) Parking lots shall have appropriate guards where needed as determined by the zoning administrator.

(d) All off-street parking spaces with hard surfaces and in excess of ten shall be delineated on the site.

(e) 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) All parking spaces shall be designed so that no part of any vehicle extends over any property line, right-at-way, walkway, driveway or aisle space.

(g) All off-street parking lots and areas shall be landscaped to the maximum extent possible in keeping with good safety practices. Where adjacent to residential and conservation districts, all lots and areas shall be screened.

(h) General Standards: Any off-street parking space shall have minimum dimensions of nine by twenty feet, provided that the minimum dimensions for parallel parking spaces shall be nine by twenty-two 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	12
45-59	13.5
60-69	18.5
70-79	19.5
80-89	21
90	22

(2) Requirements for handicapped access: 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 twelve by twenty feet and shall be clearly marked "Handicapped Parking Only".

Section 24-9 Requirements and Specifications for Off-Street Loading Space:

(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 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 accessways 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.

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.

No required loading space shall be in any required yard adjacent to a public street and shall be marked as loading space.

Section 24-10 Minimum Parking Spaces Required for Permitted Uses: The following spaces shall be required:

Animal hospitals and commercial kennels - One space per four hundred square feet of gross floor area plus one per each employee.

Automobile laundries - One space per each three employees plus a reservoir of five times the maximum capacity of the laundry.

Automobile service stations - One space per each service shall. 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.

Banks - One parking space for each one hundred fifty square feet gross floor area.

Barber shops, beauty shops, health spas and centers - One space per two hundred square feet of gross floor area plus one space per employee.

Bowling alleys - Six spaces per alley.

Carry-out restaurants - Thirteen spaces per each one thousand square feet of gross floor area.

Cartage and express facilities - One space per each three employees plus one space per each vehicle maintained.

Churches, high schools, stadiums, auditoriums and similar places of assembly - One space for each four fixed seats.

Commercial and private heliports - One space per each one thousand square feet of operational area.

Commercial skating rink - One space for each one hundred twenty-five square feet or fraction thereof of skating rink area.

Contractors or construction shops, office and yards - One space per each one thousand square feet of operational area.

Dance halls - One space per each one hundred square feet of gross floor area.

Drive-in restaurants - Eighteen spaces per each one thousand square feet of gross floor area.

Food or chain stores - Five spaces per each one thousand feet of gross floor area.

Funeral homes - One space per each fifty square feet area in assembly rooms or chapels.

Furniture stores - Two spaces for the first one thousand square feet plus one additional space for each four hundred square feet of floor area over one thousand square feet of retail space.

Greenhouse and nurseries - Enclosed retail area, one per each one hundred square feet of retail sales for the first five thousand square feet and one space for each two hundred square feet of retail sales area above five thousand square feet of retail area.

Hospitals, nursing, convalescent homes - One space for each two beds including cradles, children's beds.

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.

Laundromats - One parking space for each two washing machines.

Medical and dental clinics - One space for each one hundred square feet of area.

Mobile homes - Two spaces per unit.

Office buildings - One space for each two hundred square feet of net office floor area.

Printing and publishing facilities - One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking space.

Production or processing of materials, goods or products - One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking space.

Shopping centers - There shall be provided 3.0 parking spaces per one thousand square feet of gross leasable area for neighborhood and community shopping centers and 5.5 parking spaces per one thousand square feet of gross leasable area for regional shopping centers.

Single-family dwellings - Two spaces per unit.

Sit-down restaurants - Thirteen spaces per each thousand square feet of gross floor area.

Testing, repairing, cleaning, serving of materials, goods or products - One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

Theater, drive-in - To be determined by the planning staff after review of site plans.

Theater, indoors; theater, outdoors - One space per each four seats.

Tourist homes, motels, hotels and boarding houses - One space for each accommodation.

Townhouses, patio houses, duplexes and other multi-family residential - Two spaces per unit.

Trailer sales and rental, boat showrooms and model home sales - One space per each three thousand square feet of business area.

Warehousing and wholesaling operations - One space per each three employees with Customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

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 county planner and approved by the Planning Commission.

Other retail establishments not listed in this article - One space per each one hundred square feet of retail sales for the first five thousand square feet and one space for each two hundred square feet of retail sales area above five thousand square feet.

ARTICLE XXV
SITE DEVELOPMENT PLAN
(Final Development Plan)

Section 25-1 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 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 lay-out, design, landscaping and construction of development.

Section 25-2 Development or Land Use Requiring a Site Development Plan: A site development plan is required and shall be submitted for the following:

(a) Any development in which automobile parking space is to be used by more than one establishment.

(b) Any use or development in all zoning districts except single-family detached dwelling units where a plat is submitted pursuant to the Subdivision Ordinance of Northampton County.

(c) When a change is proposed in a previously approved site development plan.

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

(e) All public and/or semi-public buildings.

(f) All other uses involving a structure required to be reviewed by the County under Section 15.1-456 of the Code of Virginia, as amended.

section 25-3 Site Development Plan Information Required: Every site development plan, as hereafter provided, shall contain the following information:

(a) Location of tract or parcel by vicinity map at a scale of not less than one inch equal to 2,000 feet and land marks sufficient to properly identify the location of the property.

(b) A boundary survey of the tract or site plan limit with an error of closure within the limit of one in seven thousand five hundred related to the true meridian, and showing the location and type of boundary evidence.

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

(d) 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.

(e) Location, type and size of ingress and egress to the site.

If a multi-family residential building(f) Location, type, size and height of all structures and fencing, screening and retaining, walls where required under the provisions of applicable ordinances.

(g) 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.

(h) Number of floors, floor area, height and location of each building and proposed general use for each building., townhouse or patio house, the number, size and type of dwelling units shall be shown.

(i) All shoreline alteration, including dredging, filling and bulkheading. Provision for a 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.

(j) Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connections are made to an existing or a proposed central water and sewer system.

(k) 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.

(l) 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 Sedimentation ordinance of Northampton County.

(m) Existing topography accurately shown with a maximum of one foot contour intervals at a scale of not less than fifty feet to the inch.

(n) Proposed finished grading be contour supplemented and where necessary by spot elevations.

(o) 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.

(p) A landscape design plan, based upon accepted professional design layouts and principles may be required by the agent and shall be submitted.

(q) Provisions for fire fighting services and facilities, including emergency services, if deemed appropriate.

Section 25-4 Site Development Plan - -Preparation Procedure and Specific Items To Be Shown:

(a) 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 the requirement. The provision of notice shall be the responsibility of the owner or the developer. No site development plan shall be approved within five 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.

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

(c) 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_

(d) The site plan shall be prepared to the scale of one inch equals fifty feet or larger; not sheet shall exceed forty-two inches in size.

(e) 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.

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

(g) 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 5 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 line of stream.

(h) In addition to the information required on site development plans by section 26-3 and above, the following specific items shall also be shown on all site development plans if applicable:

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

(2) Center line curve data, including delta radius arc and chord and tangent.

(3) 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.

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

(5) 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.

(6) 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.

(7) Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, streams, and subdrainage, etc.

(8) All water mains, sizes, valves and fire hydrant locations.

(9) 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.

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

(11) Flood plain limits which shall be established by current FIA maps, soil survey and/or engineering methods.

(12) The location of all or any springs either within the development or draining into street rights-of-way and indicate proposed method of treatment.

(13) 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.

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

(15) Location of "No-Through Street" signs where required on cul-de-sac streets or temporary cul-de-sac streets.

- (16) The proper driveway entrance type, computed culvert size and/or Virginia Department of Highways design designation.
- (17) Provision at ends of curb and gutter for erosion control.
- (18) Typical street sections to be used.
- (19) Symmetrical transition of pavement at intersection with existing streets.
- (20) Connection to proposed Virginia Department of Highways construction when necessary.
- (21) A minimum of two datum references for elevations used on plans and profiles and correlate, where practical, to U. S. Geological Survey datum.
- (22) Any necessary notes that may be required to explain the intent and purposes of specific items on the plan or profile.

Section 25-5 Minimum Standards and Improvements Required:

(a) All improvements required by this Article 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, the same shall be recognized by formal written agreement prior to site development plan approval and shall be subject to the Virginia Department of Highways and Transportation review and acceptance. Where specifications have been established either by the Virginia Department of Highways and Transportation for streets, etc., or by this ordinance for related facilities and utilities, such specifications shall be followed. The developers performance bond shall not be released until construction has been inspected and accepted by the County, Town and by the Virginia Department of Highways and 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) Lot sizes for residential areas shall conform to the Zoning Ordinance in effect for the County of Northampton at the time of filing of the site development plan.

(d) 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.

(e) 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 or 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 fifty feet in width, additional right-of-way shall be added so that the public street or right-of-way shall be a minimum of twenty-five feet from the existing center line. All building setbacks shall be measured from the additional dedicated right-of-way.

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

(g) The pavement of vehicular travel lands or driveways designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than twenty feet in width.

On any site bordering a primary, arterial or interstate 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 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 twenty 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 Highways and Transportation for maintenance.

(h) Where pipe stem residential lots are used in a site development plan, the width of the pipe stem (driveway) shall not be less than twenty-five feet, and the length of the pipe stem (driveway) 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.

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

(j) 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.

(k) Where geometric design standards are modified from those required in the Subdivision Ordinance of Northampton County as set forth in item "f" 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.

(l) Adequate easements shall be provided for drainage and all utilities. Minimum easement width shall be fifteen 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.

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

(n) 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 developer and recommended by Eastern Shore Soil and Water Conservation District and approved by the governing body.

(o) Adequate provision shall be made by the developer for all utilities, both on-site and off-site. Design requirements shall be established by the developer in conference with the agent for Northampton County.

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 sewer 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.

(p) All public facilities, utility and drainage easements outside the right-of-way of public streets or accessways are to be shown on the final site development plan. Where it is necessary to place public utilities in public rights-of-way, a permit shall first be obtained from the governing body or its agent for such installation. 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 Highways and Transportation resident engineer for Northampton County.

(q) 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.

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

(s) 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 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, e.g. 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.

(t) Landscape planting, screening, fences, walks, curbs, gutters and other physical improvements as required by ordinances and the regulations of the Virginia Department of Highways shall be provided by the developer.

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

(v) Upon the completion of all required improvements 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 an engineer, architect or surveyor. 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.

(w) The approval of a site development plan or the installation of the improvement as required in this ordinance 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.

Section 25-6 Administration and Procedures for Processing Site Development Plans:

(a) The agent appointed by the governing body is delegated the authority and power to administer the Site Development Plan Ordinance.

(b) The Director of Planning and Zoning is designated the agent for Northampton County.

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

(d) 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.

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

(f) Any person aggrieved of any decision of the agent pursuant to this ordinance may within ten days of such decision appeal in writing to have a determination made by the governing body.

(g) 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.

(h) 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.

(i) Approval of a site development plan pursuant to this ordinance 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.

(j) 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 ordinance and after approval of a site development plan.

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

(l) Upon compliance with the terms of this ordinance and the satisfactory completion of construction, the agent of Northampton County shall furnish a certificate of approval. Certificates of approval, upon ratification by the governing body, shall release all of the bonds which may have been furnished.

(m) Any requirement of Article 25 may be waived by the governing body where the applicant establishes that an undue hardship/would be created by the strict enforcement of this ordinance, providing such a waiver, as requested, shall not be adverse to the purposes of this ordinance.

(n) 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.

(o) 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.

(p) 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.

Such fee shall be payable to the Treasurer of Northampton County and shall be submitted to the agent in the following manner: Fifty percent due and payable at the time of filing a site development plan and fifty percent due and payable prior to final approval.

(q) The Board of Supervisors reserves the right to review a site plan and any action of the agent.

ARTICLE XXVI SUPPLEMENTAL
DISTRICT REGULATIONS

Section 26-1 Lot Width - How Measured: 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.

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.

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.

Section 26-2 Shoreline Setback - How Measured: Every shoreline setback required by this ordinance shall be measured as the shortest distance between any point on the shoreline and any point on the building, structure or use subject to such setback requirement. The Board of Zoning Appeals may waive the shoreline setback and permit a principal building on or near the shoreline where access to proximity to the water is reasonably necessary to the operation of the facility. Such waiver shall be given as a variance in accordance with the provisions of Article 6 hereof. (See also Article 2-3)

Section 26-3 Wetlands 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, wetlands and areas outboard of the shoreline shall be excluded.

Section 26-4 Setback Modification: Architectural features such as cornices, eaves, fire escapes, stairs, landings, bay windows, chimneys, but not walls or porches, may protrude into any required setback a distance not to exceed one-fifth of the required setback or six feet, whichever is the lesser.

Section 26-5 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 ordinance 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 in accordance with the provisions of Section 6 hereof. No part of a setback or other open space complying with the requirements of this ordinance shall be considered as part of the required setback or other open space required under this ordinance for another building, structure or use.

Section 26-6 Height Limit - How Measured: The district height limits for buildings and structures shall be measured as the vertical distance from the

average finished grade at the building line to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average point between eaves and ridge for gable, hip and gambrel roofs.

Section 26-7 Structures Permitted Above the Height Limit: The Board of Zoning Appeals may as a variance increase the permitted height or number of stories if, in the view of the Board, such increase is reasonably necessary for the proposed purpose and no adverse neighborhood effects or safety hazard will be created.

The following structures are not subject to the district height regulations:

- (a) Farm buildings and structures, but not including dwellings.
- (b) Steeples, flag poles, smoke stacks, masts and water tanks up to a height of one hundred fifty feet.
- (c) Parapet and fire walls, penthouses, monitors and roof structures for housing stairways, elevator, tanks, ventilating fans or similar equipment to operate and maintain a building or enclosed manufacturing process provided that all such structures above the height limit otherwise permitted in the district do not occupy more than twenty-five percent of the roof area of the building or structures.
- (d) Radio, T.V., and micro-wave towers and similar structures.

Section 26-8 Accessory Uses and Structures:

(a) Location and Height - No accessory structures, except roadside stands, signs and temporary structures shall be located in any required yard other than a rear yard, provided, however, that 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 fifteen feet of a lot line shall be more than fifteen feet in height.

(b) Not Permitted Prior to Principal Use or Structure - No accessory use or structures 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) 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.

(d) 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 the ordinance 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 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 twelve months, whichever shall come first, except the Planning Director may grant an extension not to exceed an additional six months.

Section 26-9 Traffic Visibility:

(a) 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 fifty feet from this point of intersection.

Section 26-10 Shopping Centers - Access Regulations: Shopping centers shall have access to primary and established secondary collector roads in accordance with the minimum standards:

(a) There shall be no more than one access point permitted per five hundred lineal feet of frontage.

(b) Acceleration and deceleration lanes shall be provided for all entrance and exits. An additional lane of traffic may be required to accommodate safe ingress and egress from U. S. Highway 13.

(c) The use of service roads shall be provided for all entrance and exits. An additional lane of traffic may be required to accommodate safe ingress and egress from U. S. Highway 13.

(d) Principal vehicular access points shall be designed or redesigned to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left turn storage and right hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Section 26-11 Campgrounds - Travel Trailer Parks

Section 26-11.1 Campgrounds, Generally: Every 'campground shall conform to the following regulations:

(a) Every special use application for a campground shall be accompanied by a detailed site plan as prescribed in subsection 25.03 herein, showing the

location, character and dimensions of each camp site, the road construction and layout, parking areas, water, sewerage and other utility services, common and service facilities, landscaping, signage and other physical features of the proposed development. Issuance of the Special Use Permit shall authorize the applicant to construct, without deviation, the development as shown on the approved plans, including any conditions and modifications attached thereto.

(b) Minimum lot and yard requirements shall be: Parcel area, twenty-five acres; setbacks required from all property lines, one hundred feet. No campsite shall be located in any required setback.

(c) Campground areas for family and group tenting shall be separated and screened from areas for recreational vehicles and trailers.

(d) All campsites shall be restricted to one month of continuous occupancy and shall not be a place of permanent habitation.

(e) Any enlargements or extensions of an existing campground shall not be permitted unless the existing campground is made to conform substantially with all of the requirements of the ordinance for new campgrounds.

(f) All campgrounds shall conform to all applicable State Department of Health regulations covering campgrounds. Potable water with a capacity of fifty gallons per day per campsite if privies are used and one hundred gallons per day per campsite if flush toilets are used shall be provided.

(g) In granting a Special Use Permit for a campground, additional conditions may be required such as increased setbacks and landscaping, traffic control and deed restrictions in order to safeguard the health, safety and general welfare of the campground users and of the general community.

Section 26-11.2 Family and Group Tenting Areas: In addition to the provisions of Section 26-10.1 above, family and group tenting areas shall conform to the following additional provisions:

(a) Each campsite shall contain not less than two thousand square feet of area, exclusive of any access roads, and each site shall measure at least forty feet in all directions. No tent shall be erected within twenty feet of another tent not on the same tent site.

(b) Tenting areas shall provide the following facilities subject to the State Department of Health approval:

(1) Toilet and shower facilities within six hundred feet of each campsite.

(2) Potable water supply within three hundred feet of each campsite.

Section 26-11.3 Recreational Vehicle and Trailer Campsites: In addition to provisions of Section 26-10.1 above, recreational vehicle and trailer campsites shall conform to the following additional provisions:

(a) Each campsite shall contain three thousand square feet of area exclusive of

road access and shall have at least forty feet in all dimensions. No recreational vehicle shall be parked less than twenty feet from another recreational vehicle or building.

(b) Each campsite shall front a road at least twenty-two feet in width provided with a durable and dustless surface and proper drainage ditches. Entrance roads and collector roads in large campgrounds shall be increased in width to accommodate the traffic.

(c) Each campsite shall be provided with the following facilities subject to State Department of Health approval:

(1) Potable water at each campsite.

(2) Electricity of approved amperage and receptacle design.

(3) Toilet facilities and showers within six hundred feet of each campsite.

(4) Dump stations for self-contained vehicles in accordance with State Department of Health regulations.

Section 26-12 Cluster Alternative Development:

(a) Cluster Alternative Objective - The objective of the "Cluster Alternative Residential Development" is flexibility with the objectives to (1) provide a more desirable living environment, (2) encourage creative approaches in residential development, (3) encourage a more efficient, aesthetic and desirable use of open area, (4) encourage variety in the physical development pattern of the County, (5) assist in reducing cost in residential development, and (6) maintain the agricultural resources in the County.

(b) Cluster Density and Intensity - Residential Cluster Alternative Development, under subdivision and site control may be permitted provided the gross population or housing density or intensity of an area remains unchanged and conforms to the basic overall density requirements of the zoning district in which the development is proposed. However, lot dimensions and area may be reduced to the minimums indicated in Section 26-12(c) herein.

(c) Zoning District Permitting Cluster Alternative Development - Residential minimum lot sizes in the AR, R-20 and R-11 zoning districts may be reduced in area in the following manner:

Minimum Lot Area Under Cluster Development

District.	Standard Lot Area	With Public Sewer & Water	With Public Sewer or Water But Not Both	Individual Septic Tank Water Systems
AIR	5 acres	2 acres	3 acres	5 acres
R-20	20,000 sq.ft.	13,000 sq.ft.	15,000 sq.ft.	20,000 sq.ft.
R-11	11,000 sq.ft.	8,000 sq.ft.	Not Permitted	Not Permitted

(d) Disposition of Land Gained -

(1) Except as provided by Subsection 26- (d) (2) herein, all land gained with a cluster alternative subdivision, through reduction of lot size below minimum ordinance requirements shall be dedicated to the County for open space for parks, recreation or related uses; or deeded to a home owner association within the proposed development for maintenance and operation. In the case where the gained land is deeded to a home owner association, the applicant shall furnish a proposed deed of dedication, including restrictions, safeguarding the use of open spaces and preventing encroachment upon open space between structures.

(2) Streets within the Cluster Alternative Development may be included in the land gained through reduction.

Section 26-13 Automobile Graveyard-Junkyard: Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance, shall be allowed one year after adoption of this ordinance in which to completely screen, on any side open to view from a public road or a private residence, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge 6 feet or more in height.

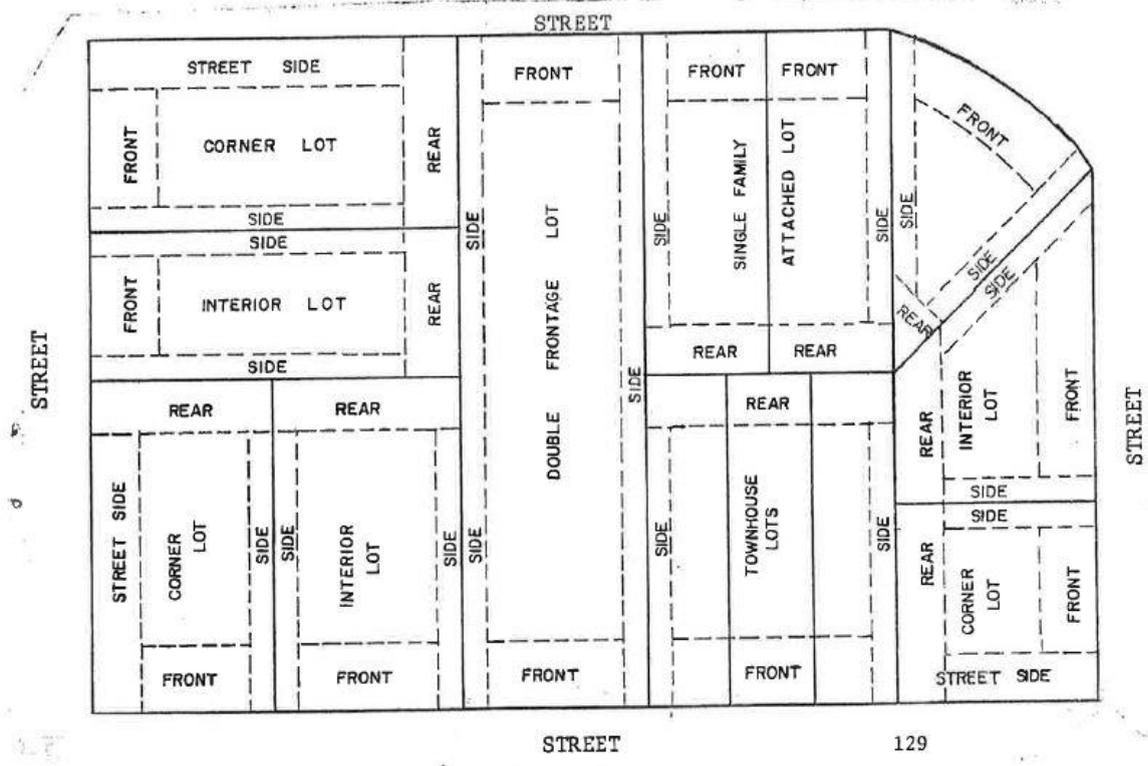
Section 26-14 Requirements for Condominiums

Section 26-14.1 Definitions: For purposes of this section, the meaning of all terms shall be controlled by Section 55-79.41 of the Code of Virginia.

Section 26-14.2 Where Permitted: Condominiums shall be permitted in all zones in which is permitted any physically identical development, provided that site plan approval shall be required for any condominium development.

section 26-14.3 Compliance with Ordinance: All condominiums and the use thereof shall in all respects comply with the provisions of this ordinance and its districts, and no vested rights shall be created upon the conversion to condominiums of the use thereof if either the condominium or the use thereof does not conform to the provisions of this ordinance. Except as otherwise specified, provisions of this ordinance applicable to condominiums shall be those provisions applicable to physically identical developments.

Section 26-15 Interpretation of Lot and Yard Designations: The following diagram shall be utilized as a guide to interpret lot and yard designation but is not intended to include all possible designations:



129

Section 26-16 Single-Wide Mobile Homes with Opposition: Single-wide Manufactured Homes shall be permitted in the R-20 and R-11 Zoning Districts under the following guidelines:

- a. Applicants for a Special Use or Administrative Permit 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 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 days of the mailing, then the signature of the owner shall not be required on the Petition-of-No-Opposition.
- b. 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 an Administrative Permit for placement of the manufactured home.
- c. 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 applicant must follow the Special Use Permit procedure described in Article 4-3 of this ordinance.

Section 26-17. Wireless Communications Facilities Standards
(adopted 3/13/00)

1. Purpose and Intent: The purpose of this section is to establish standards for the siting of wireless telecommunication service facilities. The goals are to (1) promote the general safety, welfare, and quality of life for county residents; (2) assure availability of wireless telecommunication service to the public; (3) discourage the location of telecommunication towers in residential areas; (4) discourage the development of new sites for transmission and receiving stations by encouraging co-location on existing facilities; and (5) minimize adverse impacts, including visual impacts, on areas surrounding tower sites.

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.

2. Definitions.

a. **Antenna Array:** One or more whips, panels, discs, or similar devices under twenty feet 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.

b. **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.

c. **Co-location (sometimes "collocation"):** 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.

d. **Equipment Facility:** Any accessory structure used to contain ancillary equipment for WCF which may include cabinets, small shelters, pedestals, or other similar structures.

e. 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.

(1) Monopole: A single self-supporting pole structure, tapering from base to top and supporting a fixture designed to hold one or more antennas.

(2) Transmission Tower: A lattice structure, guyed or self-supporting, used to support antennas.

f. 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.

g. 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.

3. Performance Standards: The following performance standards shall be applied to all WCFs.

a. Antenna Arrays: Structure-mounted and roof-mounted antennas and related unmanned equipment may be developed subject to the performance standards below.

(1) 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 twenty (20) feet, to a maximum of one hundred ninety-nine (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 twenty (20) feet shall require a special use permit; however,

under no circumstances shall the total height of a structure exceed 199 feet.

(2) Satellite and microwave dishes attached to towers and monopoles shall not exceed six (6) feet in diameter.

(3) Omnidirectional antennas shall be of a material or color which matches the exterior of the building or structure.

(4) Directional or panel antennas shall be of a material or color which matches the exterior of the building or structure.

(5) No commercial advertising shall be allowed on any antenna.

(6) Signals or lights or illumination shall not be permitted on any antenna unless required by the FCC, the Federal Aviation Administration (FAA), or any other state or federal authority.

b. 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.

(1) Where technically and reasonably feasible, monopoles will be considered preferable to lattice structures.

(2) New Support Structures and equipment facilities shall be subject to the site plan review and approval requirements set forth in Article IV herein. Approval of a site plan is required before a building permit is issued.

(3) 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.

(4) New Support Structures shall be designed to accommodate at least three (3) providers, but not so many as to necessitate a very tall, thick tower.

(5) The maximum height of a WCF shall be 199 feet.

(6) 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.

(7) 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.

(8) No commercial advertising or signs shall be allowed on a tower, monopole, or associated structures.

(9) No tower or monopole shall be located within a designated historic district.

(10) 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.

(11) 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.

(12) The following setback requirements shall apply to all Support Structures.

(a) Transmission Towers and Monopoles must be set back from any off-site residential structure no less than four hundred (400) feet and set back from any property line a minimum of one hundred fifty (150) feet.

(b) Guy wires and accessory facilities must be set back a minimum of twenty-five (25) feet from any property line.

(13) WCFs shall be enclosed by security fencing no less than eight (8) feet in height and equipped with an appropriate anti-climbing device. The fence shall have a 24-hour emergency phone number posted.

(14) The following requirements shall govern the landscaping surrounding WCFs.

(a) 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 (4) feet wide outside the perimeter of the facilities.

(b) 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.

(15) Noise generated by the facility shall be limited to 50 dBA above ambient levels except when a back-up generator is needed.

c. Submission Requirements. Applicants for a special use permit under this section shall submit the following information.

(1) 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.

(2) 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 ordinance. 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.

(3) An engineering report which includes a statement of justification for the proposed site selection.

(4) The applicant shall be 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:

- (a) No additional need is anticipated for any other potential user in the vicinity; or
- (b) There is some valid economic, technological, or physical reason why co-location is not possible on the proposed facility.

(5) 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 ordinance 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.

d. **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 colocation 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:

- (1) No existing towers or structures are located within the geographic areas required to meet applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) 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.

- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
4. **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 twenty-four months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (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 (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The site shall be restored as closely as possible to its original condition after removal is complete.
5. **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.
6. **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.
7. **Provisions for Amateur Radio Antennas.** Amateur radio antennas are exempt from the portions of these regulations that pertain to co-location.