

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 8th day of December, 2015, at 4:00 p.m.

Present:

Richard L. Hubbard, Chairman

Oliver H. Bennett, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Larry LeMond

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the Board enter Closed Session in accordance with Section 2.2-3711 of the Code of Virginia of 1950, as amended:

(A) Paragraph 1: Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.

*Appointments to boards, committees: (A-N Regional Housing Authority, Board of Appeals for the Building Inspector, Eastern Shore Area Agency on Aging, Industrial Development Authority of Northampton County and its Towns, Purchase of Development Rights Committee, RC&D Council, Recreation Board, Wetlands Board)  
County Administrator's evaluation*

(B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.

*Unsolicited proposal from Supervisor Hogg re: property behind KES*

(C) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by such counsel.

All members were present and voted "yes." The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

The Chairman read the following statement:

*It is the intent that all persons attending meetings of this Board, regardless of disability, shall have the opportunity to participate. Any person present that requires any special assistance or accommodations, please let the Board know in order that arrangements can be made.*

Board and Agency Presentations:

- (1) Presentation from Riverside Shore Memorial Hospital representatives: Plans for Nassawadox property

Mr. John Peterman and Ms. Diane LoVechio, of Riverside Shore Memorial Hospital, briefed the Board on that agency's plans for the structures on the Nassawadox campus once Riverside relocates to Accomack County. They indicated that an advisory board has been created to plan for the re-use of the campus facilities and have determined that the cancer center will be used for medical offices as it is Riverside's plan to keep a primary care practice in Nassawadox with possibly a "time-share"-type arrangement being made with specialists. It is believed that the hospital building itself will be demolished and Riverside will work with the County in marketing of the site. The water tower and well will be staying in place although Riverside desires to "get out of the water and wastewater business." A full assessment of the wastewater treatment plant has been done and none of the end-users will be abandoned. A six-to-nine-month period of de-commissioning will occur once the relocation has been made.

- (2) Presentation from Eastern Shore Public Library Trustees: current capital project plans.

Mrs. Colette Nelson, Chairman of the Eastern Shore Public Library Trustees, and Mr.

Paul F. Berge, Chairman of the Library's Building Committee, shared a presentation with the Board regarding their current capital project plans and actions. The Trustees have decided to request that Senator Lewis and Delegate Bloxom submit a budget amendment to include \$250,000 per year for two years in the Commonwealth's 2016-2018 Biennium Budget for construction of the new main library, to be located in the former Parksley Fresh Pride store. The Trustees respectfully requested that the Board make a similar request of our legislative delegation. Motion was so made by Trala, seconded by Mr. Bennett. All members were present and voted "yes". The motion was unanimously passed.

(3) Robbie Lewis, Area Forester: annual program update

Mr. Robbie Lewis, Area Forester, provided that agency's annual update report to the Board including private landowner assistance, fire suppression and education components. His supervisor, Mr. Dave Milby, commented on the importance of agricultural-forestal districts. He provided the Board with a fact sheet from the Farmland Information Center, which is a clearinghouse for information about farmland protection and stewardship.

Consent Agenda:

(4) Minutes of the meetings of November 2, 17, and 23, 2015.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the minutes be approved as presented. All members were present and voted "yes." The motion was unanimously passed. Mr. Bennett asked for a transcript of a certain portion of the Nov. 17<sup>th</sup> minutes.

(5) Approval of an A-95 Review entitled, "Production and distribution of Chesapeake Bay Journal". Applicant: Chesapeake Media Service.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the Board approve the A-95 Review as presented. All members were present and voted "yes," with the exception of

Mr. Hogg who voted “no.” The motion was passed. Mr. Hogg said that he would have liked to hear from the applicant as to how this publication benefits Northampton County.

(6) Consider adoption of Resolutions of Appreciation for outgoing Supervisors Trala and Hubbard and retiring Commissioner of the Revenue Anne Sayers and Director of Social Services Richard Sterrett.

## **RESOLUTION OF APPRECIATION**

*WHEREAS, the Northampton County Board of Supervisors has identified public service, and community leadership as critical components in defining excellence and in improving the vision of Northampton County; and*

*WHEREAS, Mr. Richard Sterrett began public service to the citizens of Northampton County as Director of the Department of Social Services on December 1, 1987; and*

*WHEREAS, Mr. Richard Sterrett has dedicated himself to the leadership of Northampton County over the past twenty-eight years and has unselfishly given of himself, his time, and his abilities to address the numerous fiscal, social, and economic needs of Northampton County; and*

*WHEREAS, his fellow appointed officials, the County Administrator and staff, and the citizens of Northampton County do recognize the enormous contributions, dedicated service, and devotion to duty made by Mr. Richard Sterrett during the past twenty-eight years in improving the Quality of Life, the economic conditions, and the welfare of the people of Northampton County.*

*NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Board of Supervisors this 8<sup>th</sup> day of December, 2015, that it does commend and convey its heartfelt appreciation to Mr. Richard Sterrett for his unselfish contributions to the health, safety, and professional demeanor of Northampton County and do further express our admiration for his selfless service and devotion to the citizens and taxpayers of the County; and*

*BE IT FURTHER RESOLVED, that Mr. Richard Sterrett be afforded this small token of appreciation for a Job Well Done, and that this resolution be recorded in the minutes of the Northampton County Board of Supervisors so that future generations will recognize the outstanding abilities, leadership, love, and devotion he gave to his family, citizens, and the County he has so proudly served.*

*Adopted this 8th day of December, 2015.*

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## **RESOLUTION OF APPRECIATION**

*WHEREAS, the Northampton County Board of Supervisors has identified public service, and community leadership as critical components in defining excellence and in improving the vision of Northampton County; and*

*WHEREAS, Mrs. Anne Sayers began public service to the citizens of Northampton County in the Commission of the Revenue's Office in March, 1976, and became Commissioner of the Revenue in January 1991; and*

*WHEREAS, Mrs. Anne Sayers has dedicated herself to the leadership of Northampton County over the past thirty-nine years and has unselfishly given of herself, her time, and her abilities to address the numerous fiscal, social, and economic needs of Northampton County; and*

*WHEREAS, her fellow elected officials, the County Administrator and staff, and the citizens of Northampton County do recognize the enormous contributions, dedicated service, and devotion to duty made by Mrs. Anne Sayers over the past thirty-nine years in improving the Quality of Life, the economic conditions, and the welfare of the people of Northampton County.*

*NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Board of Supervisors this 8<sup>th</sup> day of December, 2015, that it does commend and convey its heartfelt appreciation to Mrs. Anne Sayers for her unselfish contributions to the health, safety, and professional demeanor of Northampton County and do further express our admiration for her selfless service and devotion to the citizens and taxpayers of the County; and*

*BE IT FURTHER RESOLVED, that Mrs. Anne Sayers be afforded this small token of appreciation for a Job Well Done, and that this resolution be recorded in the minutes of the Northampton County Board of Supervisors so that future generations will recognize the outstanding abilities, leadership, love, and devotion she gave to her family, citizens, and the County she has so proudly served.*

*Adopted this 8th day of December, 2015.*

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## **RESOLUTION OF APPRECIATION**

*WHEREAS, the Northampton County Board of Supervisors has identified public service, and community leadership as critical components in defining excellence and in improving the vision of Northampton County; and*

*WHEREAS, Mr. Laurence J. Trala began public service to the citizens of Northampton*

County as District Five Representative beginning in January 2000; and

*WHEREAS, Mr. Laurence J. Trala, has dedicated himself to the leadership of Northampton County over the past fifteen years and has unselfishly given of himself, his time, and his abilities by serving on the Northampton County Board of Supervisors to address the numerous fiscal, social, and economic needs of Northampton County; and*

*WHEREAS, his fellow elected officials, the County Administrator and staff, and the citizens of Northampton County do recognize the enormous contributions, dedicated service, and devotion to duty made by Mr. Laurence J. Trala over the past fifteen years in improving the Quality of Life, the economic conditions, and the welfare of the people of Northampton County.*

*NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Board of Supervisors this 8<sup>th</sup> day of December, 2015, that it does commend and convey its heartfelt appreciation to Mr. Laurence J. Trala for his unselfish contributions to the health, safety, and professional demeanor of Northampton County and do further express our admiration for his selfless service and devotion to the citizens and taxpayers of the County; and*

*BE IT FURTHER RESOLVED, that Mr. Laurence J. Trala be afforded this small token of appreciation for a Job Well Done, and that this resolution be recorded in the minutes of the Northampton County Board of Supervisors so that future generations will recognize the outstanding abilities, leadership, love, and devotion he gave to his family, citizens, and the County he has so proudly served.*

*Adopted this 8th day of December, 2015.*

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Along with a mounted gavel in appreciation for his service in 2015 as chairman, the following resolution was also provided to Chairman Hubbard:

## **RESOLUTION OF APPRECIATION**

*WHEREAS, the Northampton County Board of Supervisors has identified public service, and community leadership as critical components in defining excellence and in improving the vision of Northampton County; and*

*WHEREAS, Mr. Richard L. Hubbard began public service to the citizens of Northampton County as District Four Representative beginning in January 2012; and*

*WHEREAS, Mr. Richard L. Hubbard, has dedicated himself to the leadership of Northampton County over the past four years and has unselfishly given of himself, his time, and his abilities by serving on the Northampton County Board of Supervisors to address the numerous fiscal, social, and economic needs of Northampton County; and*

*WHEREAS, his fellow elected officials, the County Administrator and staff, and the citizens of Northampton County do recognize the enormous contributions, dedicated service, and devotion to duty made by Mr. Richard L. Hubbard over the past four years in improving the Quality of Life, the economic conditions, and the welfare of the people of Northampton County.*

*NOW, THEREFORE, BE IT RESOLVED, by the Northampton County Board of Supervisors this 8<sup>th</sup> day of December, 2015, that it does commend and convey its heartfelt appreciation to Mr. Richard L. Hubbard for his unselfish contributions to the health, safety, and professional demeanor of Northampton County and do further express our admiration for his selfless service and devotion to the citizens and taxpayers of the County; and*

*BE IT FURTHER RESOLVED, that Mr. Richard L. Hubbard be afforded this small token of appreciation for a Job Well Done, and that this resolution be recorded in the minutes of the Northampton County Board of Supervisors so that future generations will recognize the outstanding abilities, leadership, love, and devotion he gave to his family, citizens, and the County he has so proudly served.*

*Adopted this 8th day of December, 2015.*

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County Officials' Reports:

(7) Mr. John J. Andrzejewski, Finance Director, presented the following Budget

Amendments and Appropriations for the Board's review:

**TO:** Board of Supervisors  
**FROM:** John J. Andrzejewski, Director of Finance  
**DATE:** December 8, 2015  
**RE:** Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the following budget amendments and supplemental appropriations:

**\$1,442.50** – This represents a budget appropriation increase to the Sheriff's Vehicle Repairs budget line to reflect payment of a claim for repairs to a vehicle. The amount is net of a \$200 deductible.

**\$7,500.00** – This represents a budget appropriation increase for the County portion of the EMS Utilization Intervention Program. This was conditionally approved dependent upon Riverside Hospital providing \$10,000 in funding. Riverside Hospital has agreed to their share of the

funding.

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Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

**TO:** Board of Supervisors  
**FROM:** John J. Andrzejewski, Director of Finance  
**DATE:** December 8, 2015  
**RE:** Budget Amendments and Appropriations – FY 2016

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as requested by Northampton County School Board:

**\$1,500** – This represents a budget appropriation increase to reflect a grant award from the Virginia Department of Education to implement a professional development plan for school board members, the superintendent and other pertinent school personnel. The training will be provided by the Virginia School Boards Association. The grant will be tracked as Other State Funds under the School Operating Fund within Administration, Attendance and Health.

**-\$96.34** – This represents a budget appropriation decrease to reflect the Title II, Part A award under the Elementary and Secondary Education Act (ESEA). The reduction will be under the category of Instruction.

**-\$605** – This represents a budget appropriation decrease to reflect a revised allocation of the Title VI-B Section 611 award under the Individuals with Disabilities Education Act (IDEA). The reduction will be under the category of Instruction.

**\$1,377** – This represent a budget appropriation increase to reflect the award of an additional School Security Equipment Grant award from the Commonwealth of Virginia. The grant will be tracked as State Revenue within the Capital Improvement Fund with expenditures under a new “School Security Upgrades-Grant” project.

**\$5,000** – This represent a budget appropriation increase to reflect award of the National Board Certification Award from the Virginia Department of Education for two qualifying teachers. The revenue will be tracked as State Revenue and classified under the School Operating Fund within the category of Instruction.

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Motion was made by Mr. LeMond, seconded by Mr. Trala, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes”, with the exception of Mr. Hogg who abstained. The motion was passed. Mr. Hogg questioned what project was the subject of the security equipment grant and Ms. Brook Thomas, the School Division’s Finance Director, indicated that she would find out. In response to another question from Mr. Hogg, Ms. Thomas indicated that the \$5,000 will be split equally between the two Certification award winners.

Lastly, the Board resumed its discussions relative to a proposed 1% bonus requested by Sheriff Doughty for employees within the Sheriff’s Office, Animal Control Office, and the Eastern Shore Regional Jail. Motion was made by Mr. LeMond, seconded by Mr. Bennett, that this matter be taken off the table. All members were present and voted “yes.” The motion was unanimously passed.

In response to the Board’s previous requests relative to the cost for a 1% bonus for the entire staff as well as an idea of the amount of revenue that is generated by department, the following information was provided:

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez  
**DATE:** December 2, 2015  
**RE:** 1% Bonus for Staff

The request from Sheriff Doughty for use of fine revenue to provide a 1% bonus for staff within the Sheriff's Office, Animal Control Office and Eastern Shore Regional Jail is again before you for consideration.

As requested at the work session, attached please also find a spreadsheet which illustrates funding required to provide the same one-percent bonus to the remainder of the staff, broken down by department (the Sheriff's functions are included within the spreadsheet). Additionally, as requested, attached please find a summary of county revenues attributed to the departments.

The Finance Director and I will be happy to answer any questions.

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**COST OF 1% PAY BONUS**

DEPARTMENT	ANNUAL WAGES	1%	BENEFITS 7.65%	TOTAL
County Administrator	\$190,783.58	\$1,907.84	\$145.95	\$2,053.79
County Attorney	\$32,293.46	\$322.93	\$24.70	\$347.64
Commissioner of the Revenue	\$256,882.03	\$2,568.82	\$196.51	\$2,765.34
County Treasurer	\$168,627.21	\$1,686.27	\$129.00	\$1,815.27
Finance	\$215,428.72	\$2,154.29	\$164.80	\$2,319.09
Information Technology	\$119,785.12	\$1,197.85	\$91.64	\$1,289.49
Electoral Board	\$85,306.16	\$853.06	\$65.26	\$918.32
Clerk of Circuit Court	\$194,926.52	\$1,949.27	\$149.12	\$2,098.38
Victim Witness Program	\$18,622.99	\$186.23	\$14.25	\$200.48
Commonwealth Attorney	\$271,497.10	\$2,714.97	\$207.70	\$2,922.67
Sheriff	\$1,357,505.60	\$13,575.06	\$1,038.49	\$14,613.55
Emergency Medical Services	\$741,326.77	\$7,413.27	\$567.11	\$7,980.38
Care & Confinement	\$1,913,686.11	\$19,136.86	\$1,463.97	\$20,600.83
Building Inspections	\$92,060.80	\$920.61	\$70.43	\$991.03
Animal Control	\$72,126.70	\$721.27	\$55.18	\$776.44
Public Works Administration	\$83,223.40	\$832.23	\$63.67	\$895.90
Solid Waste Services	\$333,468.81	\$3,334.69	\$255.10	\$3,589.79
Facilities Management	\$115,717.63	\$1,157.18	\$88.52	\$1,245.70
Public Utilities	\$59,756.11	\$597.56	\$45.71	\$643.27
Social Services	\$1,273,193.16	\$12,731.93	\$973.99	\$13,705.92
Parks & Recreation	\$905,511.74	\$9,055.12	\$692.72	\$9,747.83
Harbors & Boat Ramps	\$5,001.36	\$50.01	\$3.83	\$53.84
Planning & Zoning	\$206,560.33	\$2,065.60	\$158.02	\$2,223.62
Code Compliance	\$94,499.86	\$945.00	\$72.29	\$1,017.29
Extension Service Administration	\$24,278.18	\$242.78	\$18.57	\$261.35

TOTAL	\$8,832,069.45	\$88,320.69	\$6,756.53	\$95,077.23
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**COUNTY REVENUE ATTRIBUTED TO DEPARTMENTS**

DEPARTMENT	REVENUE	FY 2015	FY 2016 YTD
Commissioner of the Revenue	Real Estate Taxes	\$13,892,193.00	\$1,042,868.41
	Public Service Co.s Real & Personal Property	\$330,654.66	\$0.00
	Personal Property - Other	\$1,821,006.80	\$433,763.23
	Boat Taxes	\$80,053.63	\$26,134.78
	Mobile Home Taxes	\$20,370.87	\$3,598.65
	Farm Equipment Taxes	\$114,713.17	\$14,916.00
	Heavy Equipment Taxes	\$6,534.76	\$1,092.52
	Machinery & Tools Taxes	\$79,889.78	\$25,264.00
	Penalties, Interest, & BPP Late Filing Penalty	\$336,849.32	\$17,080.56
	Business License Tax	\$38,132.30	\$846.00
	Motor Vehicle License Tax	\$341,592.34	\$24,527.18
	Bank Stock Tax	\$13,732.00	\$0.00
	Transient Occupancy Tax	\$258,782.69	\$163.46
	Food & Beverage Tax	\$294,727.09	\$77,840.49
	Rehab. Structure Application Fee	\$900.00	\$0.00
	Mobile Home Titling Taxes	\$13,077.03	\$0.00
	Rolling Stock Taxes	\$0.00	\$2,859.61
	Auto Rental Taxes	\$4,469.50	\$833.79
Commissioner of the Revenue Total		\$17,647,678.94	\$1,671,788.68
Emergency Medical Services	Ambulance Fees	\$139,243.27	\$22,238.24
Solid Waste Services	Charges for Waste Collection & Disposal	\$99,919.30	\$21,802.07
	Residential Waste	\$80,604.55	\$22,729.37
	Commercial Waste	\$245,965.56	\$86,779.64
	Construction Debris	\$106,614.74	\$29,549.05
	Tires	\$596.00	\$196.00

	Brush	\$1,986.40	\$214.59
Solid Waste Services Total		\$535,686.55	\$161,270.72
Parks & Recreation	Parks & Recreation - Other	\$848.35	\$0.00
	Admission Fees	\$128.03	\$0.00
	Facilities Rental	\$3,785.00	\$600.00
	Summer Camp Fees	\$25,943.00	\$11,448.00
	Softball Fees	\$1,200.00	\$0.00
	Basketball Fees	\$7,142.00	\$0.00
	Volleyball Fees	\$1,658.00	\$0.00
	Flag Football Fees	\$806.00	\$140.00
	Soccer Fees	\$1,970.00	\$0.00
Parks & Recreation Total		\$43,480.38	\$12,188.00
Harbors & Boat Ramps	Boat Slip Rentals	\$15,150.00	\$7,200.00
Sheriff	County Fines	\$510,887.31	\$36,918.70
	Precious Metal Dealer Permits	\$200.00	\$0.00
Sheriff Total		\$511,087.31	\$36,918.70
Circuit Court	Recordation Taxes	\$136,599.13	\$19,666.96
	Taxes on Wills	\$8,828.89	\$264.74
Circuit Court Total		\$145,428.02	\$19,931.70
Treasurer	Animal Licenses	\$3,874.00	\$1,441.00
	Interest on Bank Deposits	\$41.53	\$2.66
	Interest on Investments	\$3,169.33	\$652.67
Treasurer Total		\$7,084.86	\$2,096.33
Economic Development	Building Permits	\$70,005.67	\$29,005.56
	Planning & Zoning Fees	\$21,910.00	\$10,455.00
	Sale of Maps, Surveys, etc.	\$40.00	\$0.00
Economic Development Total		\$91,955.67	\$39,460.56
County Administration	Rent of General Property	\$8,950.00	\$7,950.00
Commonwealth Attorney	Charges for Commonwealth Attorney	\$3,502.93	\$476.46

TOTAL		\$19,149,247.93	\$1,981,519.39
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Mr. Hogg said that the issue comes down to how the revenue is generated and that the Sheriff's Office and the Recreation Department were really good generators of revenue. He said that he was in favor of a stipend for those two departments.

Mr. Bennett and Mr. LeMond indicated that they were in favor of bonuses for all classes of employees.

In response to a question from Mr. Hogg, Mr. Andrzejewski indicated that the required funding would come from the Undesignated Fund Balance, which currently has an approximately balance of \$8 million.

Mr. Trala left the room momentarily.

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the Board provide a one-time 1% bonus to all staff. All members were present and voted "yes," with the exception of Mr. Hogg who abstained, and Mr. Trala who was momentarily absent from the room. The motion was passed.

At approximately 6:45 p.m., the Board recessed for the supper break.

At 7:25 p.m., the Chairman reconvened the meeting.

Mr. Trala provided the Invocation.

The Board recited the Pledge of Allegiance.

Public Hearings:

Chairman Hubbard called the following public hearing to order:

- (8) **Special Use Permit 2015-14:** Bay Storage Inc., Michael B. Burnette, has applied to obtain a special use permit for an additional mini-storage facilities, outdoor boat storage and

outdoor recreational vehicle storage designated in the 2009 Northampton County Zoning Code Appendix A, Category 3: Commercial Uses, #58 Mini-storage facilities, Category 7: Recreational Uses, #9 Boat storage and washing facilities and Category 7: Recreational Uses, #11 Camper / RV storage with washing facilities screened. The property described as Tax Map 84, double circle A, parcel 92B, is zoned TE-CG, Town Edge – Commercial General containing approximately 9 acres and has the address of 22529 Parsons Circle.

The Chairman asked if there were any present desiring to speak.

Mr. Peter Stith, Long-Range Planner, indicated that the Planning Commission was recommending approval of the petition, including RV and boat storage for the whole site.

Mr. Hogg asked several questions including: (1) whether the applicant had any delinquent taxes; (2) is the stormwater pond being maintained; (3) can the plat be changed to provide the size of the pipe; (4) whether there was the potential of flooding along Parsons Circle; (5) is there a need for a dry hydrant; and (6) has the local fire company been notified.

The applicant, Mr. Michael Burnette, indicated that the stormwater ponds were built with extra capacity to encompass all phases of the development. He indicated that he hopes to start construction of the first building in January with construction taking six months.

There being no further speakers, the public hearing was closed.

Mr. Hogg made multiple comments relative to possible conditions to attach to the special use permit but was cautioned by the County Attorney that some of them, such as direction to county staff to determine stormwater ponding, were not appropriate conditions to assign to the applicant.

Motion was made by Mr. Hogg, seconded by Mr. Bennett, that Special Use Permit 2015-14 be approved as presented with the conditions that RV and boat storage can be utilized on the whole site and that the first building to be constructed under this plan of expansion shall be completed within eighteen (18) months. All members were present and voted “yes”, with the exception of Mr. Hogg who abstained. The motion was passed.

Citizens' Information Period (only matters pertaining to County business or items on Board agenda for which a public hearing has not already been scheduled.

Mr. Bob Meyers read the following comments:

**For the Public Record at 8 Dec 2015 Northampton BoS meeting**

Mr. Chairman, recently as I remember, Ms. Nunez prepared a statement parroted by you and now reported in the Shore Daily news to the effect "there have been over 40 opportunities for citizens to comment on and have input into the process."

Mr. Chairman, most anyone who has not been to those 40 meetings you reference would believe the implication you make that citizen input was received and acted upon responsibly by the BoS. If you believe that yourself Sir, you are delusional. The fact is that in almost every one of those 40 meetings you so proudly proclaim as representative of citizen input, you have not reacted positively to multiple presentations that I have sat through and recorded where scientific evidence has been both presented and offered. I have watched you sit there with the same look a deer has when caught frozen in the headlights of a car, totally unresponsive.

You and those working for you have not fulfilled their obligations for documentation to justify your proposed zoning ordinance. If you even have any justification, it has not been communicated to the citizens of this County who have asked for it in every fashion imaginable at all those 40 meetings. Communication requires both a transmitter and a receiver. I submit, that with the exception of Mr. Hogg, your collective receiver appears to have been intentionally turned off for more than two years.

The silent majority you believed to be behind your poorly conceived and improperly executed proposed zoning ordinance, HAS IN FACT, voted you out of office. Serving as a Supervisor is far more than just occupying a seat where you are currently sitting. Representing the citizens you govern is something that seems to have slipped from your mind and that was reflected at the ballot box. I hope you will keep that in mind tonight when you decide to vote on the zoning ordinance. I firmly believe that if you do go forward as Ms. Nunez has directed for you, the legacy you wish to leave behind in the Resolution for your Service will be nothing more than a hollow statement that most people will call a lie. And, Mr. Chairman, I will guarantee that will be the legacy you leave behind. .

R. Meyers

Mrs. Roberta Kellam read the following comments:

My name is Roberta Kellam, 7514 Wellington Neck Road, Northampton County. For the past 2 years, I have taken every available opportunity to provide information for the record to demonstrate that the County's proposed repeal and replacement of the existing zoning code and maps is supported by neither the Virginia Code nor the County's adopted Comprehensive Plan, and in fact, does more to discourage economic growth of the County than to promote it.

In my former life, I was legal counsel and environmental consultant to developers and municipalities in New York State for more than 20 years. My husband has an economics degree from UVA and an MBA from Harvard, and was President of an Eastern Shore-based business that, at its peak, employed 800 people. His family has been a leader in philanthropy on the Shore for generations. I think our actions speak for themselves; we are strong supporters of our community and seek the best outcomes for all of our fellow citizens.

So now you are on the cusp of voting on an entire Rezoning of the County less than 30 days before two new Board members will be seated, and those new Board members were elected largely on the wave of dissatisfaction with the actions, and inaction, of this Board. Because the process for developing the Rezoning of the entire County has been so flawed, the County is, in fact, very vulnerable to inquiry about the motivations and justification behind the Rezoning of the County. The fault lies at your own feet; because you accepted a document and held a public hearing even though the staff had conducted no studies or analysis and had no data to support any of the map changes. The best that one can determine is that a staff person sat at their computer and made changes to the map without keeping track of the reasons for making each change. The public has been subjected to a blatant disinformation campaign by the County that included conflicting public testimony about the poultry industry's interest in expanding operations in the County, meritless assertions about the 700 pages of old Zoning Code that are still on the books, and fraudulent statements to the effect of consistency with the Comprehensive Plan. And you yourselves must be painfully aware that County staff <sup>and lawyers</sup> heavily promoted the adoption of the draft ordinance in January 2014 and again in March 2014 despite the fact that the ordinance was so full of errors that this Board has taken a year and a half to make corrections, to no avail as the document continues to be inadequate. After enduring this debacle, to say that the community has lost faith in this County government would truly be an understatement.

This Board has had numerous opportunities to stop the process over the past two years and instead devote your efforts to modifying the existing zoning ordinance in a way that would be less controversial and would have been completed and implemented by now. You pursued a course that will inevitably lead to more uncertainty and turmoil if you vote to adopt the rezoning. You might think that the recent accusations of racism are meritless, but the fact remains that this Board has never sought an analysis of this proposal for purposes of compliance with the Fair Housing Regulations adopted by HUD in 2013, despite the demographics of this County illustrating the disparate housing and economic status between low-income, minority residents and high-income second-home buyers and retirees. If you do vote, at the very least you should make the ordinance effective after the 30 day challenge period under state law has expired, and you should use that time to complete a housing impact study. However, with all due respect, in my opinion it is crazy for this Board to vote on this Rezoning at this time. It was just a bad idea, poorly executed, that is best left in the past as the County turns a new page to the future.

Mr. Leo Kellam expressed his anger that Supervisor Hubbard had visited him at his property and told him that he did not own his land. He referenced a sworn affidavit submitted earlier to several offices.

Mr. Charles Smith requested that the Board leave his land alone, which is currently zoned Agriculture. He questioned what he called “spot zoning”.

Mr. Dave Kabler read the following comments:

DRAFT

Northampton County Board of Supervisors  
For the public record

December 8, 2015

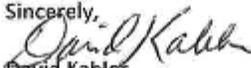
Dear Sirs,

The real estate office I supervise produces the most sales in Northampton County, \$10 million this year, and each transaction means new folks repairing their houses, eating in restaurants and shopping in our stores. I have warned you for two years now that your rezoning proposal could very well sidetrack my real estate business yet not one of you have taken the time to visit my shop and inquire why. If you are serious about economic development, why haven't you checked with me?

We are now on the precipice of this severely flawed process of rezoning our county, orchestrated by our county administrator, attorney and Board of Supervisors. This misguided effort has cost us dearly, and unnecessarily, as a huge drain on the time and productivity of our county personnel and our citizenry. This backwards process began as a line item, "to make the zoning ordinance more business friendly," inserted in our five year plan. The county administrator hired in 2013, an economic development director with no government or zoning experience and tasked him with revising our zoning ordinance. No studies or public workshops were performed or considered and the citizens rushed to the first public hearing in March, 2014. Then the Planning Commission had their first pass at reviewing his work, the 90 day time limit expiring before they were half finished. The BoS then took on the job of revising the proposal and our economic director left town. Another public hearing was held last month and the revised proposal was again sent to the Planning Commission which has recommended further revisions that require another public hearing. Folks, this whole process has been pushing the rope, not pulling it!

Can't you see how a flawed process has produced a flawed document? Public workshops and studies in the first place would have produced a much more acceptable ordinance for the Planning Commission to review before it was sent to the BoS. Only one final public hearing would have resulted in a new, and better, ordinance. The BoS could have spent its time dealing with our schools' poor ratings, the loss of our hospital and our needs for EMS.

So, tonight we find ourselves facing another self-imposed deadline, that is before two new members of the BoS take their seats next month in the new year. Will you rush to judgement ignoring the Planning Commission's recommendations in order to avoid another public hearing and pass this ordinance before the new year, or will you wait and allow the new board to deal with this fiasco? Regardless of your choice, someone must be held accountable for this gross malfeasance of the public trust. The former chair of the board should have stopped this process last year when the public asked it be stopped. The present chair has had plenty of time to stop it this year but did not. An apology from you both is in order. Most of all, I call for the resignation of the county administrator and, lacking that, her termination as soon as possible.

Sincerely,  
  
David Kabler  
10352 Church Neck Rd.  
Machipongo, VA 23405

Ms. Sarah Trachy read the following comments:

**Hello Members of the Board,**

I wish for my letter to be read into the public record. I am here to voice my extreme dissatisfaction with the entire process of the rezoning of Northampton County. I resent the arrogance of the board in their efforts to ramrod this change through despite the opposition voiced by the vast majority of citizens who have attended these meetings. I was present at the first 'informational' meeting. I must say from that very first meeting I was offended by the manner in which the plan was presented. I expected a format that allowed for input from the public. None was sought. It was more of a *presentation* format, with no question and answer opportunity. I recall meeting Ms. Nunez at that meeting, in which she said that the board has adopted a more business-friendly attitude. There was no mention of the citizens! Business-friendly to whom? Not the aquaculture and seafood businesses that are growing and thriving! Not to the Outdoor Recreational industry in which I am employed! Whose interests are being served here? We have a right to know. Prisons, chicken farms, waste incinerators—are those the businesses you are encouraging?? Really?

The board has remained unresponsive to the concerns of their constituents. You have heard from (and disregarded) the scientists' concerns about the detrimental effects to our fragile coastal environment. You have heard from and dismissed concerns from property owners (like me) who are concerned about detrimental effects to our property values. I have attended packed meetings where impassioned and eloquent speakers have made the case against the changes—people from all walks of life here on the shore. I have heard no one stand up and say "Yes, go ahead with these changes". Still, the board sits up there, blinks, and offers no justification for these changes.

I believe you are serving some self-interest here that is not in the interest of your constituents. Just show me ONE property owner who will stand up and say "Yes, I want a chicken farm or waste incinerator next to my property. I own three properties in Northampton County: my permanent home in Willis Wharf, and two other creek-front properties. My husband and I are heavily invested in this area and in the way of life here. I believe your changes will negatively impact the value of my property. I will not forgive you if this happens.

The people have spoken through the democratic process, and as a result, the makeup of the board will change in January. It is transparent that you intend to go against the wishes of the people if you go ahead and ramrod the zoning changes through before that happens, because the new board will not approve it.

Throw out this flawed re-zoning plan!

Sincerely,

Sarah Trachy

[sarahelizabethtrachy@gmail.com](mailto:sarahelizabethtrachy@gmail.com)

4370 Willis Wharf Rd., Box 65

Willis Wharf, VA 23486

Mrs. Martina Coker read the following comments:

Comments Board of Supervisors Meeting      December 8, 2015

Martina Coker      Cape Charles, VA

VA Code mandates a thoughtful approach to zoning due to its far reaching effect on a community.

VA Code 15.2-2200 The Statement of Intent describes the responsibility of "localities to plan their development, encouraging localities to improve the public health, safety, convenience, and welfare of their citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational and recreational facilities" and that "residential areas be provided with healthy surroundings for family life, that agricultural and forestal areas be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds."

VA Code 15.2-2284 states that Zoning codes shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth and change, the current and future requirements of the community... requirements for housing, schools, parks, playgrounds, recreational areas and other public services, the conservation of natural resources, preservation of flood plains...conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality."

The process of forcing this ill thought out rezoning through has not been in compliance with the VA Code.

Intensive development is proposed in areas ill suited to such development. We already have salt water intrusion in areas such as Vacluse Shores and Cape Charles. High intensity developments at the water's edge are at risk for salt water intrusion and that is exactly what is being encouraged with this rezoning. High intensity development will leave home owners holding the responsibility for failed water supplies and failed septic systems. We will all be responsible for dealing with increased expenditures related to development outside areas already easily served by water and sewer systems.

The Planning Commission did not have the time to review this document. Last minute changes are being recommended, such as decreasing setbacks for <sup>industrial operations</sup> poultry from tidal waters to 500' from 2,000'. This is a huge change without any supportive rationale. It seems foolhardy to make such a change when our clean waters support such a robust aquaculture industry, dependent on clean water, not to mention the public health benefits of clean water and the value of that clean water to our strong tourism industry.

This proposed rezoning is absolutely not in compliance with the current Comprehensive Plan.

A coherent description of the benefits of the proposed rezoning has never been presented. It leaves us all to wonder who is to benefit and how? It is certainly not the citizens of this County.

No analysis has been done to support this complete dismantling of the current zoning and the related impacts. It is incumbent upon you to have an understanding of such impacts and to develop plans to meet the needs of the citizens. You are shirking your responsibility.

Please show the citizens of this County that you understand and accept that responsibility. Do not pass this ill thought out rezoning ordinance.

Mr. Tim Holloway references his family's farm currently zoned Agriculture and requested that it remain Agriculture. He said that he thought the Planning Commission may not have been clear about that and assured the Board that all the landowners there are in favor of the Agriculture zoning.

Mrs. Joanne Molera said that affordability of housing is a function of the extent on which government places restrictions. She said that the people who are not being discussed are the 78% of Northampton County students who are on free and/or reduced lunch; these citizens will benefit from someone moving to the County as we don't have many businesses that we can rely on.

Mr. Rich Gliebman said that the Board, with one exception, has lost the public's confidence and was concerned with the proposed recommendations made by the Planning Commission.

Mr. Larry Jones said that it was hard to understand how the County could slip so far back in the last 100 years, with only 5% of the County's lands being owned by blacks. He said that nobody is moving here and no jobs are being allowed.

Mr. Spencer Murray spoke in regard to agenda item #11 – approval for the annual local government agreement with the Health Department. He said that the agreement provides for a \$25,000 increase between FY 16 and FY 15 and that he has spoken with the Accomack County Administrator and believes that there may be some cost savings opportunities. He asked the Board to table action on this matter.

Dr. Art Schwarzschild said that he had submitted a letter last month and was disappointed that it had not been read aloud, even though it was contained within the minutes of the meeting, and hoped that it could be read aloud tonight.

Mr. Douglas Greer, Mayor of Exmore, said that he had been assured that the Town Edge zoning district would not be disturbed and noted that a copy of the Town's resolution asking that the Town Edge District remain in place had been distributed.

Mr. Adam Ashby requested that the R-1 zoning district be amended to include by-right aquaculture farming.

Ms. Peg Volk said that we need to have a spirit of cooperation if the County is going to move forward and that she could not understand the proposed development along Rt. 13.

Mr. Hank Bowen said that he agreed with the earlier speaker relative to aquaculture uses allowed by-right.

Mrs. Mary Miller read the following comments:

Dec 8, 2015 Meeting

Northampton County Board of Supervisors

Public Comment

Mary Miller, Eastville, Va -comments for the public record

In reference to Special Use Permit #2012-03—granted to the Board of Supervisors for a Waste Collection site on Courthouse Road just north of Eastville:

For at least 18 months the required opaque buffer along Courthouse Rd. has been compromised by 12 dead trees. Opaque is no longer the case- one whole section of the street-side screening of the Waste Collection Facility is now a dead tree buffer. The county is, and has been, technically out of compliance with its own conditional Special Use Permit. I have confirmed with a landscape designer that now is the correct time to replace the dead trees. You could handle this here tonight.

This issue is a simple matter of maintenance and upkeep of county property. A private citizen should not have to draw attention to a situation most of you see once or twice a week. This is just one more example of how county business has been neglected as county resources and Staff have been hijacked into frantically pushing through this unnecessary and unwanted rezoning.

I've attached relevant sections of Minutes and the County's Zoning Code to confirm the county's lack of compliance with its own Zoning Code.

VIRGINIA: At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 14th day of August, 2012, at 4:00 p.m.

Public Hearing: Chairman Bennett called to order the following public hearing: (10) Special Use Permit 2012-03: The Northampton County Board of Supervisors, contract purchaser, has filed to locate a waste collection site on the north side of Courthouse Road approximately 1/3 mile from its north intersection with Lankford Highway. The property, described as Tax Map 58, double circle A, parcels 13 and 14, is zoned A/RB Agriculture/Rural Business District and contains approximately 4.35 acres of land. The Chairman asked if there were any present desiring to speak. Ms. Sandra Benson Thornton indicated that the Planning Commission was recommending approval of this petition with the condition that all required buffering be opaque vegetative screening. The County Administrator offered background on the Board's decade-long search for a suitable site for the last remaining waste collection site. In consideration of the numerous comments received at the Planning Commission meeting relative to landscaping and buffering, she distributed a draft site plan showing a staggered row of screening along the south side of the 14 property which fronts on Courthouse Road. Ms. Nancy Mulligan, speaking as both a private resident and member of the Eastville Town Council, said that she would like to insure that adequate buffering be done. She also thought that a turn-lane should be required based on the heavy vehicular traffic along Courthouse Road. Lastly, she asked that the Board conduct another public hearing regarding site location. Mrs. Price Clarke read the following letter into the record: "Good evening, Mr. Chairman and Members of the Northampton County Board of Supervisors. My name is Price Clarke and I am a native of Eastville and my family owns the property on the Northside of the Willis property being considered for a waste collection site. As an adjacent property owner, I am opposed to the proposed Special Use Permit. Having a trash site next to our property will certainly devalue it. If the Special Use Permit for the Willis property is approved here tonight, I will be looking for a reduction in the assessed value of our adjacent property, as well as a commensurate reduction in the real estate taxes owed. But the concern I have here tonight goes beyond what affects me personally. I have visited three of the other four trash collection sites in the County and they are all located very conveniently, yes, but not near any retail businesses. Bayview does have a few industrial businesses nearby. Birdsnest is pretty much a stand alone site on Route 13, and Cheapside (and so I've been told) Wardtown are out in the middle of nowhere. All four of the already established sites are in locations where impact on surrounding businesses is not an issue. But that is not the case with the proposed Eastville waste site. There are two businesses very near this proposed site, one being a restaurant, the other a convenience store/eatery. I would think that a trash site nearby would negatively affect the business of these two retail establishments. Additionally, it would negatively affect the businesses in Eastville. This proposed waste site is to be located at the gateway to Northampton County's most historic town. If travelers on Route 13 glance over to Business Route 13 and see a trash site where they assume the outer limits of Eastville are, they'll probably just stomp on the accelerator and bypass Eastville altogether. I know the county needs another waste collection site, and one specifically in the general area of Eastville, but the proposed location seems to be ANTI-BUSINESS. What were the other locations considered for this waste

center and why was there never any public discussion about them? With all the land available in the County, including that in the so called "County Complex", I would certainly think that the County could come up with a better, more discreet location for a waste collection center. Please do not just do the easy thing and approve the Special Use Permit tonight, but instead, think of the County and its residents, especially those in and around Eastville who are working so hard to make it a historic tourist destination.

15 Thank you, Price Mears Clarke" \* \* \* \* \* Ms. Anne Sayers, an Eastville resident, spoke in support of the petition, noting that with proper buffering, it would be a great site for the waste collection center. An e-mail received from Mr. George A. Latimer was read into the record as follows: "Dear Chairman Bennett, I am writing this letter to voice my feelings about the above action. My home and property are situated across Courthouse rd. from the site under consideration for the waste collection site. It is my strong feeling that the value of my property will be negatively affected by the establishment of this facility. I strongly request that another more suitable location be considered. I am requesting that this letter be read into the public record during the Public Hearing for Special Use Permit 2012 03. Thank you, George A. Latimer" \* \* \* \* \*

There being no further speakers, the public hearing was closed. Mr. Trala and Mr. Hubbard both agreed that the safety issues expressed by Mrs. Mulligan need to be addressed by VDOT. Mr. Hubbard also stated that he would like to see buffering, not only on the south side of the property fronting Courthouse Road but also on the East and West sides of the property. Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that Special Use Permit 2012 03 be approved with the condition that **opaque vegetative screening** be implemented on the east, west and south sides of the site. All members were present and voted "yes." The motion was unanimously passed.

Excerpts below from Northampton County, VA Code of Ordinances

**CHAPTER 154: ZONING CODE**

**§ 154.042 SPECIAL USE PERMIT.**

(B) The Board of Supervisors may grant, deny, or grant conditionally the permit. The special use permit may be granted along with safeguards, requirements, and conditions which may be imposed. The permit shall state whether it is issued to the applicant or whether it is issued for the use on the site and runs with the land. There shall be two types of special use permits: major special use permits and minor special use permits.

(3) *Development conditions.* In conjunction with the approval of a special use permit (major or minor), the Board of Supervisors may impose conditions, limitations or other special safeguards and requirements as are reasonably necessary to protect the public health, safety and welfare, such as, but not limited to the following:

(d) Providing adjoining property with a buffer fence or line of evergreens or shield from view of the proposed use and/or structure;

**§ 154.106 LANDSCAPE PLAN REQUIREMENTS AND STANDARDS.**

(F) *Situations requiring vegetation installation.*

**(4) Refuse collection facilities;**

(1) *Refuse collection site screening.* Refuse collection facilities shall be screened from view, except around their point(s) of access, by an opaque enclosure composed of evergreen vegetation, fence, wall or a combination of the same, except as follows:

- (1) Where screened from view by an intervening building or structure; and
- (2) Excluding views from adjacent properties zoned or used for industrial purposes

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

Ms. Hattie Buckholdt said that she was sad because of the anger presented by the public and that it was not fair to pimp out the citizens to the poultry industry.

Mr. David Boyd said that he does not understand the Board's actions for the past two years and that the 40 meetings previously mentioned were needed to make repairs to the flawed document. He said that was concerned with the proposed reductions in shoreline width and setbacks.

Mr. Ken Dufty complimented Exmore's management including Town Council, Town Manager and Mayor, whom he credited with bringing Exmore back from bankruptcy. He said that Exmore is a very healthy and productive town. With regard to the proposed zoning amendments, he said that the only evidence on record is a study from last year which called for promoting the rural character, supporting education and provision of high-speed internet, among other items. Lastly, he said that he notified a different treatment of his black neighbors as compared to his white neighbors and urged the Board to "do its homework" and have staff confirm that there is no appearance of discrimination.

Ms. Carol Upshur said that she operates a small community-supported farm and the property across the street is one of those that could be zoned for intensive poultry operations. She said that this type of operation would put her farm out of business.

Mr. Hogg read Mr. Art Schwarzschild's letter from last month as follows:

Dear Members of the Northampton County Board of Supervisors,

I was hoping to attend this meeting in person, but unfortunately have a conflict with a meeting of the ANPDC Resource Conservation and Development Committee of which I am a member, representing Northampton County.

First I would once again like to thank each of you for your continued service to Northampton County. I know that the last few years have been challenging and you have wrestled with a number of difficult and contentious issues.

One of the more challenging issues has been your continued efforts to revise and update the Northampton County Zoning Ordinance. I think we can all agree the current zoning ordinance is lengthy, complicated and can be viewed as cumbersome to those wishing to bring change or new developments into the county. As such, I am in agreement with you and the county staff in regards to the need to update, clarify and simplify the zoning ordinance.

That being said, I continue to be at odds with the manner in which you have worked to develop your revisions to the zoning ordinance and many of the specific changes you have put forward. Past efforts to revise the zoning ordinance were accomplished through a transparent procedure that began with public information and input sessions, moved on to a public process for revising the County's Comprehensive Plan, and then used the newly approved Comprehensive Plan as a guide in updating the zoning ordinance.

In contrast, this latest effort to revise the zoning ordinance started behind closed doors with select members of the county staff and other unspecified parties tearing apart the current zoning ordinance and putting together a series of proposed changes that are diametrically opposed to the desires of the greater community as codified in the Comprehensive Plan. The proposal was then presented to the community in a very confusing fashion with no clear comparison to the current zoning ordinance or reference to either economic or scientific studies used to support the proposed changes.

During the past 18 months communities, business interests, citizen groups and individual citizens have used the public comment periods to express alarm and dismay at the process and make specific recommendations to many of the zoning changes being proposed. To your credit you have listened to these comments and have made a number of significant changes to your proposed revisions of the zoning ordinance.

Unfortunately, more changes are still needed as was clearly evident during the most recent public information session held at Northampton High School on Monday November 2nd.

The results of the recent election can be viewed as a referendum on your efforts to change the county zoning ordinance. For this reason I ask you to table your proposed changes and allow the newly elected Board to take on this challenge when they take office. In support of this request I would like to ask the following questions to individual members of the board.

To Chairman Hubbard, I ask: Given the results of the recent election, why would you want to continue to move forward with a process and proposal that is clearly not approved by the majority of your constituents?

To Mr. Trala I ask: do you really want one of the last acts of your years of service to Northampton County to be pushing a series of zoning changes that will only be revised or rescinded by the next Board? Why would you want to put this burden upon your successor?

To Mr. Bennett and Mr. LeMond I ask: Should you vote to move forward with these proposed zoning changes after you failed to hold even a single meeting with the communities you were elected to represent and which stand to be drastically impacted by these changes, do either of you think you will run unopposed during the next elections?

And let me be perfectly clear on this, Mr. Bennett, should you vote in favor of the proposed zoning changes I can guarantee that you will NOT be unopposed during the next election and I have already heard from a number of Willis Wharf residents who look forward to the opportunity to support a candidate who will meet with them and represent their views.

Therefore I once again ask you to table your proposed revisions to the Northampton County Zoning Ordinance. Please wait for the newly constituted Board to take office so that they can start this process over as it should have been done in the first place. Given the overwhelming amount of public comment on this topic I am certain that there will be no problem finding people willing to participate in citizen information and input sessions. People who will eagerly listen to presentations of economic surveys and scientific studies to support the development of a new Comprehensive Plan that truly codifies the desires of the entire Northampton County Community. These informed people will then be prepared to assist in revising the zoning ordinance based on the Comprehensive Plan in order to help ensure a productive and sustainable future for Northampton County and all its varied residents.

Thank you and best wishes,

Art Schwarzschild  
4231 Willis Wharf Rd.

\* \* \* \* \*

Mr. Hubbard read the following letters:

Dear Board of Supervisor Members,

It is my understanding that there is a strong possibility that the BOS will vote of the re-zoning of Northampton County this evening. I have followed the rezoning carefully and am disappointed that I will be unable to attend and address you in person this evening.

As someone who has also held public office, I implore you to show respect for the voters of Northampton County by taking no action. Take the high road and allow the newly elected representatives to decide this matter. This is a watershed moment for our county and I believe that the most recent election reflects the wishes of the public, especially as it relates to the highly contested rezoning. It is unfair to both the public and the newly elected members for you to take a vote tonight. By voting to implement the rezoning you would saddle the newly elected board with managing a substantial legislative action that they did not decide. In fact, to vote tonight, just before the installation of the new board would be a slap in the face of the voters and a violation of the sanctity of the offices that you hold.

It is clear to anyone who has been following this that if you vote in favor of the rezoning tonight you will do so knowing that there is a significantly high likelihood that your actions will trigger a court challenge. Surely, you know how flawed this rezoning is. If you are sincere in the reasons for holding public office you will place the public trust above pride, willfulness, and all other

drivers and put the county and its citizenry first. You will do the noble thing and leave this decision for the newly elected board.

Again, my apologies for not being able to deliver my message in person tonight.

Debbie Campbell  
7243 Kellam Dr.  
Silver Beach  
Exmore, VA

\* \* \* \* \*

To the Northampton County, Va., Board of Supervisors:

I have been informed that my property at the end of Creekview Road is the only one that will be changed from AG to R-3. The map is attached above. It was also said that the Planning Commission was not familiar with the property and may not have had all the facts concerning it. I had written Janice Williams asking her to forward a letter from me to Chairman Leatherbury that presented my case to him. I have no idea if it was delivered or not. Consequently, I am writing you trusting that you will consider my request to stay AG.

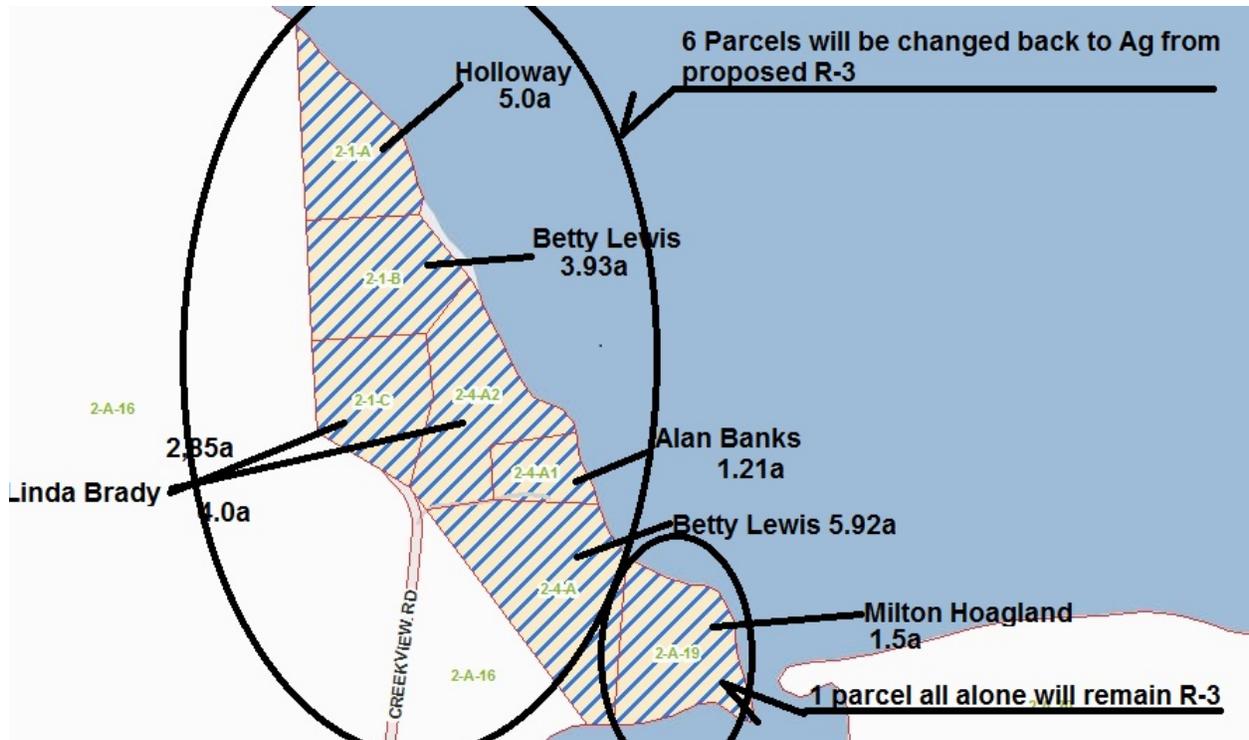
Ms. Williams' reply to my original request is attached for your information and convenience. As you can see it was submitted in time for the meeting of November 2, 2015. You should also note that the staff comment is "No objection to the request." So what changed? Why am I being singled out (which is exactly what is happening)? I learned that when my letter was read, the staff took offence to my stating that the change was to raise tax rates and that one member actually said "Looks like R-3 to me." That makes me think that from that point on I had a target on my back, and no matter how I argued my case, it would fall on deaf ears. What kind of justification is that for rezoning my lot?

The facts are these: My lot has been agricultural since I got it in 1974; I have not ever applied for a house or dock permit; no structure is on the property; it has no road going up to it; and the only contiguous property it abuts is AG. It has less going for it than some of the other lots that were allowed to remain AG, so my rezoning is a *non sequitur*.

By the way Ms. Williams reply to me says the parcel contains 3.3 acres, when it only has 1.5 acres (see the map).

I have faith in your seeing the inequality of the staff's seemingly biased decision and will not adhere to it.

Sincerely,  
M. R. Hoagland III  
(843) 881-0765



\* \* \* \* \*

I am currently in Florida and not able to attend tomorrow nights meeting, but I want to register my strong disapproval to this ridiculous rezoning plan. This will ruin property values, such as they are, throughout the county, and squander any future chance to make this county what it could become. All for the sake of a few selfish property owners who want freedom to spoil our environment at everyone else's expense.

Frankly, I'm strongly considering selling my property so I don't have to witness the destruction of a beautiful place by stupid, greedy people. Please register my strong protest, as I would do if I were there. By the way, I think such a hasty meeting during the holidays is extremely cowardly, and exposes the true nature of this midnight attack on our homes.

Thank you,

Dr. James H. Joyce

The Saltworks

\* \* \* \* \*

To whom it may concern,

I am highly opposed to the latest rezoning plans for Northampton county that include the building of condos and labor camps near property lines and especially the construction and use of poultry houses within the county. Tourists come to our beautiful land for the beaches, gorgeous scenery, lack of pollution, and quaint culture. To dot the land with poultry houses and labor camps is to destroy the scenic beauty as well as the air and water quality. Poultry houses require huge amounts of water to operate and this will only put a higher demand on our already fragile water supply requiring more and deeper wells, salt water intrusion and, ultimately, a significant expense to all of us.

Shame on the supervisors and planners who only listen to a few individuals and not to the majority of landowners. And, greater shame to these same individuals to make last minute changes and hold a meeting when many residents are out of town for the holidays. Such a cowardly action!!!

Sincerely,

Dr. Bonnie Joyce

\* \* \* \* \*



**DEVELOPMENT DEPARTMENT  
NORTHAMPTON COUNTY, VIRGINIA**

---

Development Department  
, Director  
- Planning  
Zoning  
Building  
- Code Compliance  
- Economic Development

16404 Courthouse Road  
P.O. Box 538  
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December 1, 2015

Joint Industrial Development Authority of  
Northampton County and Its Incorporated Towns  
Eastville, VA

Northampton County Board of Supervisors  
Mr. Richard L. Hubbard, Chairman

RE: Proposed Zoning Revisions

Dear Chairman Hubbard and Board Members

Having concluded discussion concerning the current and proposed zoning ordinances now under consideration, the JIDA would like to offer its findings to the board for consideration.

We believe that it is an urgent matter to get our zoning code normalized to a single document that is simplified and readily understood as a guide to land use rights by both our citizens and the business community at large. This is not an endorsement of the specific draft ordinance, but guidance on the needs and issues as we see them.

We generally support fewer zoning districts, simplified regulations, more uses by right for commercial and industrial districts, and a single ordinance regulatory framework. We recognize that for a community of our geographical and population size, the current 3 ordinance framework is both unprecedented as to its extraordinary complexity and the inordinate number of districts these 3 documents contain.

The legal framework we now have is a convoluted series of overlapping regulations that do not build public trust of our county government by the private or business sectors. We believe that trust in our regulatory environment is critical to encourage investment in our community that will help build a more robust tax base, a critical component to a healthier local economy.

We welcome the opportunity to assist the Board of Supervisors in this, and all economic development matters as they may arise, for the good of Northampton County.

Respectfully

Your JIDA

The following future meeting agenda was shared with the Board:

Work session/other meeting agendas:

- (i) 12/28/15: Work Session: Potential Action on Zoning Ordinance Amendments
- (ii) 1/25/16: Work Session: FY 2017 Budget: Revenues
- (iii) 2/22/16: Work Session: Topic to be determined

(9) The County Administrator's bi-monthly report was distributed to the Board as

follows:

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez, County Administrator  
**DATE:** December 3, 2015  
**RE:** Bi-Monthly Report

#### I. Projects:

A. USDA Grant Obligation Update:

*November 2015 Status Report: As an update from your October 13, 2015 meeting, we have continued to move forward with meeting the requirements of this agreement. USDA has signed off completely on all items except for the 2 generators for the School. Staff is still developing the procurement documents for the 2 generators for the elementary schools. To date, we have now committed \$496,283.85 of the \$599,734.80 obligation or 82.75%. **NO NEW UPDATE FROM THE NOVEMBER STATUS REPORT.***

B. SET (Stronger Economies Together) Grant:

Work is progressing on the regional SET Grant. The first community meeting was held on October 27, 2015. The next forum is scheduled for Tuesday, December 15, 2015 from 8:30 a.m. – 12:30 p.m. There is limited seating for this forum; however, this is the second of six forums that will be held over the next nine months.

C. FY2015 Audit:

Our auditors have completed their field work for the FY2015 audit and are working on the draft financial statements which will be provided to the County for review by November 24, 2015. The finalized audits have been submitted to the Auditor of Public Accounts by the end of November and the Finance Department is working on the final Comprehensive Audited Financial Report (CAFR) for completion by the end of December.

D. FY2017 Budget Process:

The FY2017 Budget process has been opened and attached is the budget calendar. The budget call has been released to all County departments and to outside agencies with budget requests due back in by December 4, 2015. The calendar reflects the reassessment public notice hearing and we have prepared two calendars: the preferred schedule as well as a “last resort” schedule for budget adoption.

Departmental Budget Submissions and Outside Agencies Budget Submissions are due to my office on Friday, December 4, 2015. From 12/7 thru 12/18, the Finance Director and I will meet with each department to discuss their requested budget for FY2017.

E. Finance Department Update:

In addition to the two items above, the Finance Department is working on or has completed for submission by the end of December 2015 the Annual Jail Cost Report required by the General Assembly and the Cost Allocation Study for the Department of Social Services required by the General Assembly. My office is assisting with the completion of both of these reports.

F. AFD Application and Criteria – Continued Discussion:

At the Board’s last meeting, there was discussion regarding the County’s current application for an AFD (either new or renewal) and the desire to establish criteria to evaluate any application. This matter had been forwarded to the AFD Advisory Committee for their input and a response was provided, dated November 12, 2015. The Board indicated that they still wanted to develop criteria which would be incorporated into the application forms.

To that end, I am enclosing the following information for the Board’s consideration in this matter:

1. The Ad Hoc Tax Committee Report to the Board of Supervisors, dated December 29, 2014 which discusses the AFD program.
2. Fairfax County’s Criteria for Establishment, Modification, Renewal or Termination of a District as well as their application form
3. Loudoun County’s Application form, which contains criteria that might address items the Board was seeking to include in their process.

I believe that we can at least craft an updated application to include any criteria you would like to consider as part of the review process so that the applicant would be providing this information for any renewals or additions or creations of AFDs when the application period opens in January. In terms of then determining a rating system associated with these criteria, you could establish that at your next meeting, prior to the application period closing, so that all parties would know how the County would evaluate this information.

*In response to a question by Supervisor Hogg, the County Attorney indicated that he had researched the question posed last month relative to*

*whether the Board could limit AFD applications to county residents. It was Mr. Jones' opinion that the Board could not attach this condition to an AFD application.*

G. Request for Quotation from the Virginia Retirement System to extend Hazardous Duty Coverage for EMS personnel:

Currently, the County extends Hazardous Duty Coverage to all full-time law enforcement and corrections officers as part of the Virginia Retirement System (VRS). The provision of Hazardous Duty Coverage to our local covered employees is equivalent to the benefits provided to the State Police Officers Retirement System. The Code of Virginia allows the Hazardous Duty Coverage to also be extended to a locality's full-time emergency medical technicians.

In FY16, our neighboring county, Accomack County, voted to offer this benefit to their full-time EMS. Since we typically pull from the same employment pool, I believe it is imperative that Northampton County remain competitive in its salary and benefits. Therefore, ***I am requesting authorization from the Board to request the Virginia Retirement System to provide us a quotation to extend Hazardous Duty Coverage for EMS Personnel.***

The cost of the actuarial study will be \$1,500 and will provide the County with what the increase in the County's Employer Rate to VRS would be if the Hazardous Duty Coverage was extended to pick up the EMTs. As part of that study, VRS allows the provision of a 1.7% or 1.85% service retirement multiplier so I am asking for both options to be considered as part of the actuarial study. In addition, when the analysis is done on the 1.85% multiplier, we will need to provide the data for law enforcement and corrections officers, since that would be a change in their benefit and would have to be extended to them if the Board should consider the higher multiplier for EMS.

I have enclosed a fact sheet from VRS that explains the difference in coverage from the "enhanced" Hazardous Duty Coverage as compared to the regular VRS benefits.

*Motion was made by Mr. Trala, seconded by Mr. LeMond, that the County Administrator be authorized to submit the request for the actuarial study as presented above. All members were present and voted "yes." The motion was unanimously passed.*

H. Purchase of Drummond Property for EMS Operations:

On November 24, 2015, the County closed on the purchase of the Drummond Property, the current home of the EMS Department. The Board needs to provide direction on how you wish to proceed with the construction of the garage, specifically the size of the facility in terms of the number of garage bays and any other requirements you may have so that staff can move this capital project forward.

*The Board discussed their preferences for the EMS garage including a block/brick base, a metal pre-fabricated building, and using a general contractor rather than an architect. Supervisor Hogg suggested a maximum 3-bay facility but indicated that he was awaiting a recommendation from the Ad-Hoc Emergency Care Committee. It was determined that the Board may have further discussions of this topic at the December 28<sup>th</sup> work session, if the Committee's recommendations have been received by that date [due by December 31<sup>st</sup>].*

\* \* \* \* \*

Action Items:

- (10) Consider award of roofing bid for County Administration Slate Roof Replacement

The following memorandum was shared with the Board:

**MEMORANDUM:**

**TO:** Northampton County Board of Supervisors

**FROM:** Katie H. Nunez, County Administrator

**DATE:** December 2, 2015

**SUBJ.:** Administration Slate Roof Bid

As one of the capital projects approved within the Board's FY 2016 budget, an invitation to bid for the replacement of the Administration Building slate roof was issued in August 2015. One bid was received from The Century Slate Company of Durham, North Carolina, in the amount of \$62,500.00. Given the budget estimate of \$45,000, the bid was rejected and it was determined that we would re-bid the project in the fall, especially given the work schedule of an anticipated local roofer which would lessen after the first of the year.

The project has now been re-bid but with similar results: a single bid response from The Century Slate Company, in the amount of \$59,750.00.

The Board has several options: Provide additional funding to award the bid in accordance with the response; re-bid the project; cancel the project altogether. Board guidance is requested.

\* \* \* \* \*

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the Board reject the one bid as received and that staff be directed to issue two new RFPs: one for a replacement slate roof and one for an asphalt-shingle roof. All members were present and voted “yes.” The motion was unanimously passed.

(11) Consider approval of the FY 2016 Local Government Agreement with the Health Department.

It was the consensus of the Board to table action on this matter in concert with the earlier discussion during Citizens Information Period.

(12) Consider accepting all bids received at the November 4, 2015 Delinquent Tax Auction Event.

It was noted that an analysis has been performed on the event as a whole and it has been determined that enough revenue was received to cover the deficiencies. Mr. Hogg acknowledged that he had participated in the event for one property (Robberecht) and would be abstaining. Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the Board accept all bids as received with the exception of the “County vs. Gerritt Robberecht” property. All members were present and voted “yes.” The motion was unanimously passed. Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the Board accept the bid as received for the “County vs. Gerritt Robberecht” property. All members were present and voted “yes,” with the exception of Mr. Hogg who abstained. The motion was passed.

(13) Consider possible action on proposed 2014 Northampton County Zoning Code text and map amendments.

The following memorandum from the County Administrator and recommendation from the Northampton County Planning Commission were discussed by the Board:

**MEMORANDUM:**

**TO:** Northampton County Board of Supervisors  
**FROM:** Katherine H. Nunez, County Administrator  
**DATE:** December 4, 2015  
**SUBJECT:** Proposed Zoning Ordinance Actions

Attached is the Planning Commission recommendation for its review of the advertised November 2, 2015 public hearing on the proposed zoning ordinance. As indicated in their memo, items in blue font and underlined are the Planning Commission's recommendations. Items that are either underlined or struck-through are the Planning Commission's recommendations to either add or delete from the proposed document. Staff, including legal counsel, have reviewed all of the proposed recommendations from the Planning Commission and have determined which could be incorporated without any further public hearing notification. These items have been marked with a green circled "A". Staff has also flagged those items which will require further readvertisement and those items are marked with a red circled "B".

There is a final category that we have called "contingent". While these items may have been marked for deletion by the Planning Commission, they are contingent upon approval and acceptance by the Board of the items marked "B". These "contingent" items are marked with a purple circle "C" and need to remain in place until the items marked "B" can be addressed through a public hearing.

Therefore, if the Board is desirous, they would be able to act on the proposed zoning ordinance by doing the following:

- (1) After review of the Planning Commission's recommendations, they could chose to accept none, some, or all of the items marked "A" without any further public notification or hearing required and so vote this evening. A proposed motion is enclosed for your consideration.
- (2) For any of the items marked with "B" or "C", if the Board is desirous of incorporating some, or all of these recommendations, they would need to pass a second motion that would instruct the Planning Commission to take all of those items and advance a separate text amendment to public hearing.



**DEVELOPMENT DEPARTMENT  
NORTHAMPTON COUNTY, VIRGINIA**

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Development Department  
Kris Tucker, Director  
- Planning  
- Zoning  
- Building  
- Code Compliance  
- Economic Development

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**MEMORANDUM**

**TO:** Northampton County Board of Supervisors  
**FROM:** Northampton County Planning Commission  
**SUBJECT:** Recommendations on Proposed Zoning Ordinance  
**DATE:** December 2, 2015

The following are recommendations from the Planning Commission on the proposed zoning ordinance and map since the November 2, 2015 public hearing. Recommendations are represented by blue underlined text that show additions or deletions by strikethrough. Additional recommendations are shown by yellow highlighted text.

At the December 1, 2015 regular meeting, Commissioner Fauber made a motion to recommend approval of the changes to the proposed zoning to the Board of Supervisors. Commissioner Ward seconded the motion and the motion carried with all Commissioners voting in favor (7-0).

## 1 DISTRICT USE LISTS

### §154.1-204 CONSERVATION (CNSV).

(A) The primary intent of the Conservation district is to provide for areas with significant environmental sensitivity and land areas set aside by state and federal agencies for conservation purposes. This district also provides for other non-residential uses. The following uses are permitted, subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Improvements which are the subject of site plans. et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
Agriculture - domestic husbandry  
Agriculture - traditional husbandry  
Agriculture crop production operation  
Agriculture - production of a crop for food, fiber or fuel  
Artist and artisan studio ≤ 1,000 sq. ft.  
Aquaculture operation  
Apprentice facility  
Basic utilities  
Biomass conversion to alternate fuel—small scale  
Emergency services  
Family day home (1-5 people)  
Farm stand  
Fishing - fish and shellfish  
Fishing, recreational  
Government offices (related to conservation or park use)  
Home occupations  
Hunting, commercial  
Nature tourism

Park, may include indoor / outdoor recreation  
Ponds, agricultural irrigation  
Recreation, outdoor  
Research facility  
Residential facility (1-8 people) (A)  
SFD, detached  
SFD detached—double/triple wide—manufactured home  
Single-wide mobile home  
Silviculture operation  
Temporary construction office building  
Temporary emergency housing  
Temporary family health care housing  
Transit stop  
Uses similar to permitted uses  
Uses, structures and buildings necessary to permitted uses  
Venue, operation  
Wildlife and marine life preservation area  
Wind turbine, small scale and wind mill ≤ 35 ft. in total height

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Adult day care center  
Child day center  
Civic groups, clubs and organizations  
Office, professional or business  
Recreation and sports, motorized and motor vehicle related  
Recreation and sports, shooting related  
Uses similar to special use permit uses  
Utility distribution plant or yard  
Wind turbine, small scale > 120 ft. and < 199 ft. in total height

Wind turbine, small scale > 25 ft. and < 120 ft. in total height  
Wireless communication facility

**§154.1-205 AGRICULTURAL (AG).**

(A) **The primary intent of the Agricultural district is to provide for agricultural and forestry industries. This district also provides for other residential and non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.**

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
Adult day care center  
Agricultural business office  
Agriculture crop production operation  
Agricultural research facility  
Agriculture - domestic husbandry  
Agriculture - intensive farming  
Agriculture - traditional husbandry  
Agriculture support business  
Agriculture - production of a crop for food, fiber or fuel  
Animal shelter or pound  
Artist and artisan studio < 1,000 sq. ft.  
Automobiles  
Agumiculture facility  
Aviculture operation  
Assisted living facility (more than 12 people)  
Basic utility  
Bed and breakfast  
Business conversion to alternate fuel - small scale  
Cemeteries  
Child day center  
Children's residential facility (more than 12 people)  
Civic groups, clubs and organizations  
College  
Educational services  
Business services  
Family day home (1-5 people)  
Family day home (6-12 people)  
Farm stand  
Fishing - fish and shellfish  
Fishing, commercial  
Floriculture and horticulture  
Floriculture operation  
Group home  
Gift center  
Government offices  
Home occupations  
Horticulture operation  
Hospital  
Manufacturing  
Inn  
Licensed farm winery, limited brewery and distillery, distillery  
Library  
Minor concrete structures, support structures and lagoons  
Museum

Medical facility  
Meteorological tower  
Migrant labor camp  
Museum  
Nature tourism  
Office, professional or business  
Park, may include indoor - outdoor recreation  
Poplar, agricultural irrigation  
Kernel or pound  
Recreation, indoor  
Recreation, outdoor  
Recreation, playing field  
Recreational vehicle park and camp grounds  
Religious institution, place of worship  
Residential facility (1-8 people)  
Research facility  
Sales, agricultural products and accessory goods  
School, primary or secondary  
Mixed use building, SFD  
SFD, detached  
SFD detached - mobile home manufactured home  
SFD detached - Single mobile manufactured home  
SFD detached - Temporary emergency housing  
SFD detached - assisted living facility (1 to 12 people)  
SFD detached - children's residential facility (1 to 12 people)  
SFD detached - family day home (1 to 12 children)  
SFD detached - Temporary family health care housing  
Silviculture operation  
Temporary construction office building  
Transit center  
Transit stop  
Uses similar to permitted uses  
Uses, structures and buildings accessory to permitted uses  
Vacation rental home  
Veterinarian business  
Viticulture operation  
Waste water treatment plant  
Waste collection center, operated by local government  
Wildlife and marine life preservation area  
Wind turbine, small scale and wind mill ≥ 35 ft. in total height  
Wind turbine, small scale > 120 ft. and < 199 ft. in total height  
Wind turbine, small scale > 25 ft. and ≥ 120 ft. in total height  
Winery, licensed farm  
Wireless communication facility

(A)

(B)

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administrative and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Adult day care center  
Airfield  
Artist and artisans studio > 1,000 sq. ft.  
Child day center  
College  
Commercial services  
Commercial vehicle services  
Dredge spoil disposal site  
Educational services  
Electric generation facility (B)  
Event venue  
Funeral home  
Golf course (A)  
Helipad  
Inn  
Jail  
Kennel  
Wind energy facilities / wind test facility / wind turbines, large scale  
Wind turbines, utility-scale

Library  
Medical facility  
Mining or excavating of soil or other natural resources  
Office, professional or business ≤ 2,500 sq. ft.  
Prison  
Recreation and sports, shooting related  
Recreational vehicle park and camp grounds  
Research facility  
Residential facility (more than 8 people)  
Recreation and sports, maintenance and repair vehicle related  
School, primary or secondary  
Solar energy facility  
Uses similar to special use permit uses  
Utility distribution plant or yard  
Waste management  
Waste transfer  
Wastewater treatment plant

**§154.1-206 HAMLET (II).**

(A) The primary intent of the Hamlet district is to provide for a mixture of residential and low impact commercial uses. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
Agricultural business office  
Agriculture crop production operation  
Agriculture - domestic husbandry  
Agriculture - 1 edition 1 a-handy (B)  
Agriculture - production of a crop for food, fiber or fuel  
Art and urban studio  
Art gallery operation  
Audience facility  
Assisted living facility (more than 12 people)  
Bank/office  
Bed and breakfast  
Business conversion to address fuel, gas, solar  
Cemetery  
Children's residential facility (more than 12 people)  
Clubs, groups, clubs and organizations (A)  
Commercial services < 2,500 sq. ft.  
Colleges  
Commercial services  
Educational services  
Government offices  
Emergency services  
Family day home (1-5 people)  
Family day home (6-12 people)  
Farm stand  
Fishing - commercial  
Fishing - commercial < 1,000 sq. ft. limited to equipment storage only such as boats, docks, traps and nets and on outside storage, including or disposal of finfish or shellfish  
Horticulture operation  
Fishing - shellfish and shellfish  
Home occupation  
Horticulture operation  
Lot  
Library  
Manufactured over  
MFD attached  
MFD detached - specifically in a Mixed use building, MFD  
Museum  
Nature tourism  
Office, professional or business < 2,500 sq. ft.

Office, professional or business  
Park, any include minor concessions/recreation  
Personal services < 2500 sq. ft.  
Public, agricultural exhibition  
Recreation, indoor  
Recreation - outdoor  
Recreation, playing field  
Religious institution, place of worship  
Research facility  
Restaurant  
Residential facility (1-8 people)  
Restaurant with no drive thru < 2,500 sq. ft.  
Retail food and beverage preparation  
Sales - retail convenience  
Sales - retail general < 2,500 sq. ft. (C)  
School, primary or secondary  
SFD, attached  
SFD attached - assisted living facility (1 to 12 people)  
SFD attached - children's residential facility (1 to 12 people)  
SFD attached - family day home (1 to 12 children)  
SFD attached - Mixed use building, SFD  
SFD, detached  
SFD detached - double/triple-wide manufactured home  
SFD detached - temporary emergency housing  
SFD detached - assisted living facility (1 to 12 people)  
SFD detached - children's residential facility (1 to 12 people)  
SFD detached - family day home (1 to 12 children)  
Single-wide mobile home  
SFD detached - temporary family health care housing  
Siticulture operation  
Temporary construction office building  
Transit stop  
Uses similar to general use  
Uses, structures and buildings associated permitted uses  
Vacation rental home  
Virtual care operation  
Wildlife and marine life preservation area  
Wind turbine, small, scale and wind mill < 35 ft. in total height  
Wind turbine, small > 35 ft. and < 120 ft. in total height  
Winery, licensed farm (D)  
Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Adult day care center  
Agriculture support buildings  
Civic groups, clubs and organizations (A)  
Animal shelter or pound  
Child day center  
College  
Commercial services > 2,500 sq. ft.  
Commercial vehicle services ≤ 2,500 sq. ft.  
Educational services  
Funeral home (A)  
Hallmark  
Medical facility  
 kennel (A)  
Kennel or pound  
Office, professional or business ≥ 2,500 sq. ft.

Personal services > 2,500 sq. ft.  
Ponds, agricultural irrigation  
Recreation, indoor  
Recreation, outdoor  
Recreation and sports, motorized and motor-vehicle related  
Restaurant with drive thru  
Residential facilities (more than 8 people)  
Rentil food and beverage production  
Research facility  
Sales, retail convenience  
Sales, retail general > 2,500 sq. ft. (B)  
Uses similar to special use permit uses  
Utility distribution plant or yard  
Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height

**§154.1-207 VILLAGE (V).**

(A) The primary intent of the Village district is to provide for residential uses within a village. This district also provides for other non-residential uses. The following uses are permitted, subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
 Accessory uses, structures and buildings  
 Adult day care center  
 Agriculture crop production operation  
 Agriculture - domestic husbandry  
 Agriculture - traditional husbandry (B)  
 Agriculture - production of a crop for food, fiber or fuel  
 Artist and artisan studio  
 Aquaculture operation  
 Aquaculture facility  
 Assisted living facility (more than 12 people)  
 Basic utilities  
 Bed and breakfast  
 Biomass conversion to alternate fuel - small scale  
 Cemetery  
 Child day center  
 Educational services  
 Child care residential facility (more than 12 people)  
 Civic groups, clubs and organizations (A)  
 Commercial services < 2,500 sq. ft. (B)  
 Deep-sea divers - dive emergency services  
 Family day home (1-5 people)  
 Family day home (6-12 people)  
 Farm stand (A)  
 Fishing - commercial (A)  
 Fishing, commercial, < 1,000 sq. ft. limited to equipment storage only such as boats, pots, traps and nets and an outside storage, stockpiling or disposal of finfish or shellfish  
 Fishing - finfish and shellfish  
 Floriculture and horticulture  
 Floriculture operation  
 Government offices  
 Home occupations  
 Horticulture operation  
 Inn  
 Library  
 Meteorological tower  
 MFD attached  
 Mixed use building, MFD  
 Museum  
 Nature tourism

Office, professional or business < 2,500 sq. ft.  
 Park - may include indoor/outdoor recreation  
 Personal services < 2,500 sq. ft. (A)  
 Recreation, indoor (A)  
 Recreation, outdoor  
 Recreation, playing field  
 Recreational vehicle park and some premises  
 Religious institution, place of worship  
 Research facility  
 Residential facility (1-8 people)  
 Sales, agricultural products and accessory goods  
 Sales, retail convenience < 2,500 sq. ft. (C)  
 Sales, retail general < 2,500 sq. ft. (E)  
 School, primary or secondary  
 SFD, attached  
 SFD attached - assisted living facility (1 to 12 people)  
 SFD attached - children's residential facility (1 to 12 people)  
 SFD attached - family day home (1 to 12 children)  
 Mixed use building, MFD  
 SFD, detached  
 SFD detached - double-triple-wide manufactured home  
 SFD detached - temporary emergency housing  
 SFD detached - assisted living facility (1 to 12 people)  
 SFD detached - children's residential facility (1 to 12 people)  
 SFD detached - family day home (1 to 12 children)  
 Single-wide mobile home  
 SFD detached - temporary family health care housing  
 Temporary construction office building  
 Transit stop  
 Uses similar to permitted uses  
 Use - structure and building - accessory to permitted uses  
 Vacation rental home  
 Viticulture operation  
 Waste water treatment plant  
 Wildlife and marine life preservation area  
 Wind turbine, small scale and wind mill < 25 ft. in total height  
 Wind turbine, small scale > 120 ft. and < 190 ft. in total height  
 Wind turbine, small scale > 15 ft. and < 120 ft. in total height  
 Winery, licensed farm (A)  
 Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-161 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Civic groups, clubs and organizations (A)  
~~Private care center for a fee~~ (A)  
 General Home  
Child day center  
Commercial services ≤ 2,500 sq. ft. (A)  
Commercial services > 2,500 sq. ft. (A)  
Commercial Vehicle services ≤ 2,500 sq. ft. (A)  
Dredge spoil disposal site  
Government offices  
~~gas~~  
Medical facility  
Mining or excavation of soil or other natural resources

Hotel or motel  
Office professional or business > 2,500 sq. ft.  
Personal services > 2,500 sq. ft. (A)  
Personal services ≤ 2,500 sq. ft. (A)  
Recreation, indoor (A)  
Recreational vehicle park and camp grounds (A)  
Restaurant with no drive thru ≤ 2,500 sq. ft. (B)  
Sales, retail convenience (B)  
Sales, retail general > 2,500 sq. ft. (B)  
 Uses similar to special use permit uses  
 Utility distribution plant or yard

**§154.1-208 VILLAGE – COMMERCIAL (V – C).**

(A) The primary intent of the Village – Commercial district is to provide for commercial uses within a village. This district also provides for other residential and non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards for Improvements Which Are the Subject Of Site Plans et seq.

- Accessory dwelling, attached or detached
- Accessory uses, structures and buildings
- Adult day care center
- Agricultural business office
- Agricultural research facility (12)
- Agriculture support business
- Artist and artisan studio
- Automotive operation
- Aquaculture facility
- Assisted living facility (more than 12 people)
- Basic printing
- Bed and breakfast
- Biomass conversion-to-generate fuel—small scale
- Bookery
- Children's residential facility (more than 12 people)
- Civic groups, clubs and organizations
- College
- Commercial services
- Educational activities
- Emergency services
- Family day home (1-5 people)
- Family day home (6-12 people)
- Farm stand
- Fishing—family use—behold
- Fishing, commercial
- Fishing, commercial, > 1,000 sq. ft. limited to equipment storage only such as boats, pots, traps and nets and no outside storage, stockpiling or disposal of fish or shellfish
- Food service
- Government offices
- Home occupations
- Industrial services
- Inn
- Library
- Marina
- Medical facility
- MFD, attached—specifically as a Mixed use building, MFD
- Motel or hotel
- Motorized and motor vehicle related sports and recreation
- Museum
- Nature center
- Office, professional or business

- Park, may include indoor / outdoor recreation
- Personal services
- Perch-agriculture-irrigation
- Recreation, indoor
- Recreation, outdoor
- Religious institution, place of worship
- Research facility
- Restaurant
- Residential facility (1-8 people)
- Residential facility (more than 8 people)
- Restaurant with no drive thru > 2,500 sq. ft.
- Retail food and beverage production
- Sales-retail books
- Sales, wholesale and industrial
- SFD, detached
- Sales, retail automotive
- Sales, retail general
- School, primary or secondary
- SFD attached
- SFD attached—assisted living facility (1 to 12 people)
- SFD attached—children's residential facility (7 to 12 people)
- SFD attached—family day home (1 to 12 children)
- SFD attached—mixed use building, SFD
- SFD detached—double / triple wide manufactured home
- SFD detached—Temporary emergency housing
- SFD detached—assisted living facility (1 to 12 people)
- SFD detached—children's residential facility (1 to 12 people)
- SFD detached—family day home (1 to 12 children)
- SFD detached—Temporary family health care housing
- Temporary construction office
- Transit center
- Transit stop
- Uses similar to permitted uses
- Uses, structures and buildings necessary to permit uses
- Vacation rental home
- Vehicle services > 2,500 sq. ft. (12)
- Veterinarian business
- Wastewater treatment plant (A)
- Wildlife and marine life preservation area
- Wind turbine, small scale and windmill < 35 ft. in total height
- Wind turbine, small scale > 35 ft. and < 120 ft. in total height

(16) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-104 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards for Improvements Which Are The Subject Of Site Plans et seq.

Animal shelter or pound

College

Manufacturing, Vehicle services > 2,500 sq. ft. (C)

Dredge spoil disposal site

(A) Offices, commercial

Kennel or pound

Hotel or motel

Ponds, agricultural irrigation

Research facility

Utility distribution plant or yard

Restaurant > 2,500 sq. ft.

Restaurant with drive thru

Sales, retail bulk

Uses similar to special use permit uses

Wastewater treatment plant (A)

Wireless communications facility

Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height

**§154.1-209 VILLAGE – WATERFRONT BUSINESS (V – WB).**

(A) The primary intent of the Village – Waterfront Business is to provide for commercial uses on or having access to the waterfront within a village. This district also provides for other residential and non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached	Recreation, outdoor
Accessory uses, structures and buildings	Religious institution, place of worship
Artist and artisan studio	Research facility
Aquaculture operation	Restaurant with no drive thru < 2,500 sq. ft.
Basic utilities	Residential facility (1-8 people)
Bed and breakfast	Retail food and beverage production
Civic groups, clubs and organizations	Sales, retail general < 2,500 sq. ft. (A)
Commercial services ≤ 2,500 sq. ft.	Sales, retail general ≤ 2,500 sq. ft.
Educational services	SFD, attached
Emergency services	Mixed use building, SFD
Family day home (1-5 people)	SFD, detached
Family day home (6-12 people)	Temporary emergency housing
Farm stand	Single-wide mobile home
Fishing, commercial	Temporary family health care housing
Government offices	Temporary construction office
Home occupations	Transit stop
Inn	Uses similar to permitted uses
Marina	Vacation rental home
Mixed use building, MFD	Veterinarian business
Museum	Wildlife and marine life preservation area
Nature tourism	Wind turbine, small scale and wind mill ≤ 35 ft. in total height
Office, professional or business ≤ 2,500 sq. ft.	Wireless communication facility
Park,	Working waterfront support uses, structures and buildings
Personal services ≤ 2,500 sq. ft.	
Recreation, indoor	

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

College	Sales, retail general > 2,500 sq. ft. (A)
Dredge spoil disposal site	Sales, retail general, > 2,500 sq. ft.
Hotel or motel	Utility distribution plant or yard
Uses similar to special use permit uses	Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height
Restaurant > 2,500 sq. ft.	
Restaurant with drive thru	

**§154.1-210 WORKING WATERFRONT (WW).**

(A) The intent of the Working Waterfront district is to provide for commercial waterfront uses. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory uses, structures and buildings  
Artist and artisan studio  
Aquaculture operation  
Base utilities  
Farm stand  
Fishing, commercial  
Marina  
Nature tourism

Temporary construction office building  
Transit stop  
Uses similar to permitted uses  
Uses, structures and buildings necessary to permitted uses  
Wildlife and marine life preservation area  
Working waterfront uses, structures and buildings  
Working waterfront support uses, structures and buildings

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Dredge spoil disposal site  
Government offices  
Museums  
Research facility  
Uses similar to special use permit uses  
Utility distribution plant or yard

Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height  
Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height  
Wireless communication facility

**§154.1-211 COTTAGE COMMUNITY (CTCM).**

(A) The primary intent of the Cottage Community district is to provide for residential uses on lot with a minimum size of 21,780 square feet and reduced building heights to promote smaller scaled housing types. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards for Improvements Which Are The Subject Of Site Plans et seq.

- Accessory dwelling, attached or detached
- Accessory uses, structures and buildings
- Adult day care center
- Art and artistic studio
- Aquaculture operation
- Appliance facility
- Assisted living facility (more than 12 people)
- Basic utilities
- Bed and breakfast
- Biomass conversion to alternate fuel - small scale
- Cannery
- Child day center
- Civic groups, clubs and organizations
- Commercial services
- Emergency services
- Family day home (1-5 people)
- Family day home (6-12 people)
- Farm stand
- Fishing - commercial
- Fishing, commercial, ≤ 1,000 sq. ft. limited to equipment storage only such as boats, pots, traps and nets and no outside storage, stockpiling or disposal of finfish or shellfish
- Fishing - Fresh and shellfish
- Government offices
- Home occupations
- Library
- Museum
- Museum
- Nature tourism
- Park, may include indoor/outdoor recreation
- Personal services

- Recreation - indoor
- Recreation, outdoor
- Recreation, playing field
- Religious institution, place of worship
- Research facility
- Restaurant
- Residential facility (1-8 people)
- Restaurant with no drive thru ≤ 2,500 sq. ft.
- Sales-retail convenience
- SFD, attached
- SFD attached - assisted living facility (1 to 12 people)
- SFD attached - children's residential facility (1 to 12 people)
- SFD attached - family day home (1 to 12 children)
- SFD, detached
- SFD detached - double/triple-wide manufactured home
- SFD detached - Temporary emergency housing
- SFD detached - assisted living facility (1 to 12 people)
- SFD detached - children's residential facility (1 to 12 people)
- SFD detached - family day home (1 to 12 children)
- Single-wide mobile home
- SFD detached - Temporary facility health care housing
- Temporary construction office
- Transit stop
- Uses similar to permitted uses
- Uses, structures and buildings accessory to permitted uses
- Vacation rental units
- Wildlife and marine life preservation area
- Wind turbine, small scale and wind mill ≤ 35 ft. in total height
- Wind turbine, small > 35 ft. and < 120 ft. in total height

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards for Improvements Which Are The Subject Of Site Plans et seq.

- Adult day care center
- Civic groups, clubs and organizations
- Commercial vehicle services
- Marina
- Marina
- Office, professional or business
- Personal services ≤ 2,500 sq. ft.
- Recreation, playing field
- Utility distribution plant or yard

- Sales, retail general, ≤ 2,500 sq. ft.
- Uses similar to special use permit uses
- Wind turbine, small > 120 ft. and ≤ 199 ft. in total height
- Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height
- Wireless communication facility

**§154.1-212 COMMERCIAL (C).**

(A) The primary intent of the Commercial district is to provide for commercial uses. This district also provides for other residential and non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
 Accessory uses, structures and buildings  
 Adult day care center  
 Agricultural business office  
 Agricultural research facility  
 Agriculture support business  
 Animal shelter or pound  
 Artist and artisan studio  
 Aquaculture operation  
 Aquaculture facility  
 Assisted-living facility (more than 12 people)  
 Bank office  
 Bed and breakfast  
 Biomass conversion to alternative fuel - small scale  
 Car wash  
 Child day center  
 Children's residential facility (more than 12 people)  
 Civic groups, clubs and organizations  
 College  
 Commercial services  
 Commercial vehicle services  
 Educational services  
 Emergency services  
 Family day home (1-5 people)  
 Family day home (6-12 people)  
 Farm stand  
 Fishing - finish and shelling  
 Fishing, commercial  
 Floriculture and greenhouse  
 Floriculture operation  
 Funeral home  
 Golf course  
 Government offices  
 Hospital  
 Home occupations  
 Horticulture operation  
 Hospital  
 Industrial services  
 Inn  
 Library  
 Light manufacturing  
 Machine  
 Medical facility  
 MFU attached - specifically as a mixed use building, MFU  
 Motel or auto  
 Museum  
 Natural tourism  
 Office, professional or business  
 Park may include indoor - outdoor recreation

Personal services  
 Kennel or pound  
 Restaurant, indoor  
 Recreation, outdoor  
 Recreational vehicle park and camp grounds  
 Religious instruction, place of worship  
 Research facility  
 Residential facility (1-8 people)  
 Residential facility (more than 8 people)  
 Restaurant  
 Sales, agricultural products and accessory goods (A)  
 Retail food and beverage production  
 Sales, retail bulk  
 Sales, retail convenience  
 Sales, retail general  
 Sales, wholesale and industrial  
 School, primary or secondary  
 Self-storage storage  
 SFD attached  
 SFD attached - assisted living facility (1 to 12 people)  
 SFD attached - children's residential facility (1 to 12 people)  
 SFD attached - family day home (1 to 12 children)  
 SFD attached - Mixed Use building, SFD  
 SFD detached  
 SFD detached - Temporary emergency housing  
 SFD attached - assisted living facility (1 to 12 people)  
 SFD attached - children's residential facility (1 to 12 people)  
 SFD attached - Family day home (1 to 12 children)  
 SFD attached - Temporary family health care housing  
 Temporary construction office building  
 Transit center  
 Transit stop  
 Uses similar to permitted uses  
 Uses, structures and buildings necessary to permitted uses  
 Utility distribution plant or yard  
 Vacation rental home (A)  
 Veterinarian business  
 Warehouse, storage and distribution  
 Waste collection center operated by local government (B)  
 Waste transfer  
 Waste water treatment plant  
 Wind energy facility / wind energy test facility / wind turbine (A)  
 large-scale / wind turbine, utility-scale  
 Wind turbine, small-scale and wind mill < 35 ft. in total height  
 Wind turbine, small-scale > 420 ft. and < 199 ft. in total height  
 Wind turbine, small-scale > 35 ft. and < 120 ft. in total height  
 Wireless, licensed from (A)  
 Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-501 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Airfield

Event venue

Heavy manufacturing

Helipad

Industrial services

Light manufacturing

Recreation and sports, motorized and motor vehicle related

Recreative and sports, shooting related

Research facility

Uses similar to special use permit uses

Utility distribution plant or yard

Waste management

Waste related

Uses, flammable materials

Consistent vehicle services

Waste water treatment plant

Wind energy facility / wind energy test facility / wind turbine, large scale / wind turbine, utility-scale (A)

Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height (A)

Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height

**§154.1-213 INDUSTRIAL (I).**

(A) The primary intent of the Industrial district is to provide for industrial uses. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards For Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory uses, structures or buildings  
 Agricultural business office  
 Agricultural research facility  
 Agricultural support business  
 Animal shelter or pound  
 Artist and artisan studio  
 Aquaculture operation  
 Aquaculture facility  
 Basic utilities  
 Biomass conversion to nitrocellulose fuel - small scale  
 Biomass conversion to alternate fuel - large scale  
 Cemetery  
 Civic groups, clubs and organizations  
 Commercial services  
 Commercial vehicle services  
 Dredge spoil disposal site  
 Educational services  
 Emergency services  
 Fishing, commercial  
 Floriculture operation  
 Flea market and hostellers  
 Government offices  
 Heavy manufacturing  
 Helipad  
 Horticulture operation  
 Hospital  
 Industrial services  
 Light manufacturing  
 Meteorological tower  
 Migrant labor camp  
 Mining or recovering of soil or other natural resources  
 Museum  
 Office, professional or business  
 Park, play, sports, motorized and/or recreation

General services  
 Kennel or pound  
 Recreation, indoor  
 Recreation, outdoor  
 Religious institution, place of worship (B)  
 Religious institution, place of worship  
 Essential facility  
 Restaurant  
 Retail food and beverage production  
 Sales, flammable materials  
 Sales, retail bulk  
 Sales, retail convenience  
 Sales, retail general  
 Sales, wholesale and industrial  
 Sales, agricultural, products and accessory goods  
 Self-service storage  
 Temporary construction office building  
 Transit center  
 Transit stop  
 Uses similar to permitted uses  
 Uses, structures and buildings accessory to permitted uses  
 Utility distribution plant on road  
 Utility distribution plant on yard (B)  
 Warehouse, storage and distribution  
 Waste-related  
 Waste collection center, operated by local government  
 Waste water treatment plant  
 Wind energy facility / wind energy test facilities / wind turbines, large scale / wind turbine, utility scale (A)  
 Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
 Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height  
 Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height  
 Wireless communications facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards For Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Airfield  
 Electricity generation facility  
 Event venue  
 Heavy manufacturing  
 Helipad  
 Migrant labor camp  
 Mining or recovering of soil or other natural resources  
 Recreation and sports, motorized and motor vehicle related  
 Religious institution, place of worship (C)  
 Release

Solar energy facility  
 Uses similar to special use permit uses  
 Waste management  
 Utility distribution plant on road (A)  
 Waste-related  
 Wind energy facility / wind energy test facilities / wind turbine, large scale / wind turbine, utility scale (A)  
 Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height (A)  
 Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height

**§154.1-214 RESIDENTIAL (R).**

(A) The primary intent of the Residential district is to provide for residential uses on lots with a minimum size of 20,000 square feet. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

- Accessory dwelling, attached or detached
- Accessory uses, structures and buildings
- Agricultural business office
- Agreement research facility
- Agriculture production of a crop for food, fiber or fuel
- Agriculture crop production operation
- Artist and artisan studio (A)
- Aquaculture
- Aquaculture facility
- Bar or saloon
- Bed and breakfast
- Biomass conversion to alternate fuel - small scale
- Cemetery
- Children's residential facility (more than 12 people)
- Civic groups, clubs and organizations
- Educational services
- Emergency services
- Family day home (1-3 people)
- Family day home (6-12 people)
- Farm stand
- Fermentation and distillation
- Fericulture operation
- Government offices
- Home occupations
- Horticulture operation
- Library
- MFD
- MFD attached - specifically as a mixed-use building, MFD (A)
- Park, any, include indoor facilities recreation
- Personal services
- Recreation, indoor

- Recreation, outdoor
- Recreation, playing field
- Religious institution, place of worship
- Research facility
- Residential facility (1-3 people)
- Sales, agricultural products and accessory goods
- SFD, attached
- SFD attached - assisted living facility (1 to 12 people)
- SFD attached - children's residential facility (1 to 12 people)
- SFD attached - family day home (1 to 12 children)
- SFD attached - mixed-use building, SFD (A)
- SFD, detached
- SFD detached - double/triple-wide manufactured home
- SFD detached - Temporary emergency housing
- SFD detached - assisted living facility (1 to 12 people)
- SFD detached - children's residential facility (1 to 12 people)
- SFD detached - family day home (1 to 12 children)
- SFD detached - Temporary family health care housing
- Silviculture operation
- Single-wide mobile home (B)
- Temporary construction office building
- Transit stop
- Uses similar to permitted uses
- Uses, structure and building, accessory to permitted uses
- Vacation rental home
- Viticulture operation
- Wildlife and marine life preservation area
- Wind turbine, small scale and wind mill < 35 ft. in total height
- Wind turbine, small - 35 ft. and ≤ 120 ft. in total height
- Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

- Airfield
- Hotels
- Nature tourism
- Recreation, indoor
- Recreation, outdoor
- Recreation, playing field

- Residential facility (more than 3 people)
- Single-wide mobile home (C)
- Uses similar to special use permit uses
- Utility distribution plant or yard
- Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height
- Wind turbine, small > 120 ft. and ≤ 199 ft. in total height

**§154.1-215 RESIDENTIAL – 1 (R – 1).**

(A) The primary intent of the Residential – 1 district is to provide for residential uses on lots with a minimum size of 1 acre. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

- ~~Accessory dwelling, attached or detached~~
- ~~Accessory uses, structures and buildings~~
- ~~Agriculture business office~~
- ~~Agriculture research facility~~
- ~~Agriculture – production of a crop for food, fiber or fuel~~
- ~~Agriculture crop production operation~~
- ~~Agriculture – domestic husbandry~~ (B)
- ~~Agriculture – traditional husbandry~~ (B)
- ~~Artist and artist-in-residence studio~~ (A)
- ~~Aquaculture~~
- ~~Aquaculture facility~~
- ~~Assisted living facility (more than 12 people)~~
- ~~Basin utilities~~
- ~~Bed and breakfast~~
- ~~Biogas and/or other biogas-to-ethanol fuel manufacturing~~
- ~~Cemetery~~
- ~~Children's residential facility (more than 12 people)~~
- ~~Clubs, groups, clubs and organizations~~
- ~~Education services~~
- ~~Emergency services~~
- ~~Family day home (1-5 people)~~
- ~~Family day home (6-12 people)~~
- ~~Farm stand~~
- ~~Floriculture and horticulture~~
- ~~Horticulture operation~~
- ~~Government offices~~
- ~~Home occupations~~
- ~~Horticulture operation~~
- ~~Home~~
- ~~MFD~~
- ~~MFD attached – specifically as a Mixed use building, MFD~~ (A)
- ~~Park, may include indoor or outdoor recreation~~
- ~~Personal services~~

- ~~Recreation, indoor~~
- ~~Recreation, outdoor~~
- ~~Recreation, playing field~~
- ~~Religious institution, place of worship~~
- ~~Research facility~~
- ~~Residential facility (1-8 people)~~
- ~~Sales, agricultural products and accessory goods~~
- ~~SITD, attached~~
- ~~SFD attached – assisted living facility (1 to 12 people)~~
- ~~SFD attached – children's residential facility (1 to 12 people)~~
- ~~SFD attached – family day home (1 to 12 children)~~
- ~~SFD attached – Mixed use building, SFD~~ (A)
- ~~SFD, detached~~
- ~~SFD detached – double/triple-wide manufactured homes~~
- ~~SFD detached – temporary emergency housing~~
- ~~SFD detached – assisted living facility (1 to 12 people)~~
- ~~SFD detached – children's residential facility (1 to 12 people)~~
- ~~SFD detached – family day home (1 to 12 children)~~
- ~~SFD detached – Temporary family health care housing~~
- ~~Silviculture operation~~
- ~~Single wide mobile home~~ (B)
- ~~Temporary construction office building~~
- ~~Transit stop~~
- ~~Uses similar to permitted uses~~
- ~~Uses, structures and buildings accessory to permitted uses~~
- ~~Vacation rental home~~
- ~~Viticulture operation~~
- ~~Wildlife and marine life preservation area~~
- ~~Wind turbine, small scale and ground  $\leq$  35 ft. in total height~~
- ~~Wind turbine, small  $\leq$  35 ft. and  $\leq$  120 ft. in total height~~
- ~~Winery – licensed farm wineries~~
- ~~Wireless communication facility~~

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for et seq.

- ~~Helipad~~
- ~~Nature tourism~~ (A)
- ~~Recreation, indoor~~
- ~~Recreation, outdoor~~
- ~~Recreation, playing field~~
- ~~Residential facility (more than 8 people)~~

- ~~Single wide mobile home~~ (C)
- ~~Uses similar to special use permit uses~~
- ~~Wildlife and marine life preservation area~~
- ~~Wind turbine, small scale  $\leq$  35 ft. and  $\leq$  120 ft. in total height~~
- ~~Wind turbine, small  $\leq$  120 ft. and  $\leq$  199 ft. in total height~~

**§154.1-216 RESIDENTIAL – 3 (R – 3).**

(A) The primary intent of the Residential 3 district is to provide for residential uses on lots with a minimum size of 3 acres. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1 full Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
 Accessory uses, structures and buildings  
 Adult day care center  
 Agricultural business office  
 Agricultural research facility  
 Agriculture crop production operation  
 Agriculture - domestic husbandry  
 Agriculture - traditional husbandry (B)  
 Agriculture—production of a crop for food, fiber or fuel  
 Artist and artisan studio  
 Aquaculture operation  
 Aquaculture facility  
 Assisted living facility (more than 12 people)  
 Base utilities  
 Bed and breakfast  
 Biosolar operations to alternate fuel—small scale  
 Cemetery  
 Children's residential facility (more than 12 people)  
 Civic groups, clubs and organizations  
 Functional services  
 Exchange operations  
 Family day home (1-5 people)  
 Family day home (6-12 people)  
 Farm stand  
 Fishing, commercial, ≤ 1,000 sq. ft. limited to equipment storage only such as boats, pots, traps and nets and no outside storage, stockpiling or disposal of finfish or shellfish  
 Floriculture and horticulture  
 Floriculture operation  
 Government offices  
 Home occupations  
 Horticulture operation  
 Library  
 MED attached—specifically as a mixed use building, MED

Park-way includes indoor/outdoor recreation  
 Recreational services  
 Recreation, indoor  
 Recreation, outdoor  
 Recreation, playing field  
 Religious institution, place of worship  
 Research facility  
 Residential facility (1-8 people)  
 Sales, agricultural products and accessory goods  
 SFD, attached  
 SFD attached—assisted living facility (1 to 12 people)  
 SFD attached—children's residential facility (1 to 13 people)  
 SFD attached—family day home (1 to 13 children)  
 SFD attached—Mixed use building, SFD  
 SFD, detached  
 SFD detached—double/triple-wide manufactured home  
 SFD detached - Temporary emergency housing  
 SFD detached—corporate living facility (1 to 12 people)  
 SFD detached—children's residential facility (1 to 13 people)  
 SFD detached - family day home (1 to 13 children)  
 SFD detached—Temporary family health care housing  
 Silviculture operation  
 Single-wide mobile home (B)  
 Temporary construction office building  
 Transit stop  
 Uses similar to permitted uses  
 Uses, structures and buildings accessory to permitted uses  
 Vacation rental home  
 Viticulture operation  
 Wildlife and marine life observation area  
 Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
 Wind turbine, small > 35 ft. and ≤ 120 ft. in total height  
 Winery, licensed farm (A)  
 Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Agriculture—domestic husbandry  
 Agriculture - traditional husbandry (C)  
 Airfield  
 Helipad  
 Meteorological tower  
 Nature tourism  
 Recreation, indoor  
 Recreation, outdoor

Recreation, playing field  
 Recreation, and sports, motorized and motor vehicle related  
 Recreation and sports, shooting related  
 Residential facility (more than 8 people)  
 Single-wide mobile home (C)  
 Uses similar to special use permit uses  
 Wind turbine, tall > 120 ft. and < 200 ft. in total height

**§154.1-217 RESIDENTIAL - 5 (R-5).**

(A) The primary intent of the Residential - 5 district is to provide for residential uses on lots with a minimum size of 5 acres. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards for Improvements Which Are The Subject Of Site Plans et seq.

- Accessory dwelling, attached or detached
- Accessory uses, structures and buildings
- Adult-day care center
- Agricultural business office
- Agricultural research facility
- Agriculture crop production operation
- Agriculture - domestic husbandry
- Agriculture - traditional husbandry
- Agriculture - production of a crop for food, fiber or fuel
- Artist and artisan studio
- Aquaculture operation
- Assisted care facility
- Assisted living facility (more than 12 people)
- Basic utilities
- Bed and breakfast
- Business conversion to alternative fuel - small scale
- Cannery
- Child day center
- Child-care residential facility (more than 12 people)
- Cycle groups, clubs and organizations
- Educational services
- Emergency services
- Family day home (1-5 people)
- Family day home (6-12 people)
- Farm stand
- Fishing, commercial
- Fishing, commercial, < 1,000 sq. ft. limited to equipment storage only such as boats, pots, traps and nets and so outside storage, stockpiling or disposal of fish or shellfish
- Fishing - fish and shellfish
- Horticulture and horticulure
- Horticulture operation
- Government offices
- Home occupations
- Horticulture operation
- Planting, commercial
- Library
- Metereological tower

- MFD attached - specifically as a Mixed use building, MFD
- Nature tourism
- Pa.'s, may include indoor + outdoor recreation
- Personal services
- Ponds, agricultural irrigation
- Recreation indoor
- Recreation outdoor
- Recreation playing field
- Religious (church), place of worship
- Residential facility (1-8 people)
- Resale facility
- Sales, agricultural products and accessory goods
- SFD, attached
- SFD attached - assisted living facility (1 to 12 people)
- SFD attached - children's residential facility (1 to 12 people)
- SFD attached - family day home (1 to 12 children)
- SFD attached - Mixed use building, SFD
- SFD, detached
- SFD detached - double/triple wide manufactured home
- Singlewide mobile home
- SFD attached - Temporary emergency housing
- SFD detached - assisted living facility (1 to 12 people)
- SFD detached - children's residential facility (1 to 12 people)
- SFD detached - family day home (1 to 12 children)
- SFD detached - Temporary family health care housing
- Silviculture operation
- Temporary construction office building
- Travis stop
- Uses similar to permitted uses
- Uses, structures and buildings accessory to permitted uses
- Vacation rental home
- Viticulture operation
- Wildlife and marine life preservation area
- Wind turbine, small scale and windmill < 35 ft. in total height
- Wind turbine, small - > 35 ft. and < 120 ft. in total height
- Winery, licensed farm
- Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards for Improvements Which Are The Subject Of Site Plans et seq.

- Airfield
- Fishing, commercial
- Golf course
- Helipad
- Mining or excavating of soil or other natural resources
- Ponds, agricultural irrigation
- Recreation and sports, motorized and motor-vehicle-related
- Recreation and sports, shooting related

- Recreation indoor
- Recreation outdoor
- Recreation playing field
- Residential facility (more than 8 people)
- Uses similar to special use permit use
- Wind turbine, small scale > 35 ft. and < 120 ft. in total height
- Wind turbine, small-scale > 120 ft. and < 199 ft. in total height

**§154.1-218 RESIDENTIAL MIXED (RM).**

(A) The primary intent of the Residential Mix district is to provide for a mixture of residential uses on lots with a minimum size of 20,000 square feet to promote a mixture of single-family and multi-family housing types. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
 Accessory uses, structures and buildings  
~~Adult day care center~~  
 Agriculture – domestic husbandry  
 Agriculture – traditional husbandry  
 Assisted living facility (more than 12 people)  
 Basic utilities  
 Bed and breakfast  
 Business conversion to a private use – small scale  
 Cemetery  
 Children's residential facility (more than 12 people)  
 Civic groups, clubs and organizations  
 Educational services  
 Employment services  
 Family day home (1-5 people)  
 Family day home (6-12 people)  
 Farm stand  
 Floriculture operation  
 Government offices  
 Home occupations  
 Horticulture operation  
 Innkeeper  
 MFD attached  
 MFD attached – specifically use – Mixed use building, MFD  
 Office, professional or business ≤ 2,500 sq. ft.  
 Park, may include indoor/outdoor recreation  
 Personal services  
 Recreation, indoor  
 Recreation, outdoor  
 Recreation, playing field

Religious institution, place of worship  
 Research facility  
 Residential facility (2-8 people)  
 School, primary or secondary  
 SFD attached  
 SFD attached – assisted living facility (1 to 12 people)  
 SFD attached – children's residential facility (1 to 12 people)  
 SFD attached – family day home (1 to 12 children)  
 SFD attached – Mixed use building, SFD  
 SFD detached  
 SFD detached – double-wide manufactured home  
 SFD detached – temporary emergency housing  
 SFD detached – assisted living facility (1 to 12 people)  
 SFD detached – children's residential facility (1 to 12 people)  
 SFD detached – family day home (1 to 12 children)  
 SFD detached – Temporary family health care housing  
 Single-wide mobile home  
 Temporary construction office building  
 Trenching  
 Uses similar to permitted uses  
 Use, emergency and buildings necessary to permitted uses  
 Vacation rental home  
 Viticulture operation  
 Wildlife and marine life preservation area  
 Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
 Wind turbine, small > 35 ft. and ≤ 120 ft. in total height  
 Winery, licensed farm  
 Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Child day center  
 Recreation, indoor  
 Recreation, outdoor  
 Residential facility (more than 8 people)  
 Single-wide mobile home

Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height  
 Wind turbine, small > 120 ft. and ≤ 100 ft. in total height  
 Uses similar to special use permit uses

**§154.1-219 TOWN EDGE (TE)**

(A) The primary intent of the Town Edge district is to provide potential development areas adjacent to incorporated towns which may, in the future, be served by extensions of public water and sewer services from the towns. Growth and increased development are intended to occur simultaneously with the provision of public infrastructure, including, but not limited to, public sewer and water, to support such growth and development. The town edge district is intended to be a more intense use than agriculture but less intense than existing town uses. The district promotes cooperation between the respective towns and the County in development. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
 Accessory uses, structures and buildings  
[Adult day care center](#)  
 Agricultural business office  
 Agriculture crop production operation  
 Agriculture – domestic husbandry  
 Agriculture – traditional husbandry  
 Artist and artisan studio (≤ 1,000 sq. ft.)  
 Aquaculture operation  
 Basic Utilities  
 Bed and breakfast  
[Child day center](#)  
 Civic groups, clubs and organizations  
[College](#)  
[Commercial services](#)  
[Educational services](#)  
 Emergency services  
 Family day home (1-5 people)  
 Family day home (6-12 people)  
 Farm Stand  
[Fishing, commercial, ≤ 1,000 sq. ft. limited to equipment storage only such as boats, pots, traps and nets and no outside storage, stockpiling or disposal of fish or shellfish](#)  
 Floriculture operations  
[Funeral home](#)  
 Government offices  
 Home occupations  
 Horticulture operations  
[Hotel or motel](#)  
 .com  
 .library  
[Medical facility](#)  
 Meteorological tower  
[MFD](#)  
 Mixed use building, MLP



Mixed use building, SED  
[Museum](#)  
[Nature tourism](#)  
[Office, professional or business](#)  
[Park](#)  
[Personal services](#)  
[Recreation, indoor](#)  
[Recreation, outdoor](#)  
 Recreation, playing field  
 Religious institution, place of worship  
[Research facility](#)  
 Residential facility (1-8 people)  
[Restaurant](#)  
[Retail food and beverage production](#)  
 Sales, retail high  
[Sales, retail convenience](#)  
[Sales, retail general](#)  
[School, primary or secondary](#)  
[Self-service storage](#)  
 SED, detached  
 Singlewide mobile home  
 Temporary emergency housing  
[Temporary family health care housing](#)  
 Silviculture operation  
 Temporary construction office  
 Transit stop  
 Uses similar to permitted uses  
[Vacation rental home](#)  
[Vehicle services](#)  
 Veterinarian business  
 Viticulture operation  
 Waste collection center, operated by local government  
 Wind turbine, small scale and wind mill < 25 ft. total height  
 Winery, licensed farm

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

**Agriculture support business**

Airfield

Animal shelter or pound

Dredge spoil disposal site

Electric generation facility

Kennel yard

**Fishing, commercial**

Golf course

Heliport

Hotel

Industrial services

Kennel

Light manufacturing

(B)

Migrant labor camp

Recreational vehicle park and camp grounds

Residential facility (more than 8 people)

Park

Ponds, agricultural irrigation

Sales, flammable materials

Uses similar to special use permit uses

Utility distribution plant or yard

Warehouse, storage and distribution

Waste water treatment plant

Wind turbine, small scale > 35 ft. and ≤120 ft. in total height

**Wireless communication facility**

## II. TEXT RECOMMENDATIONS

(A)

1. (#65) Hank Bowen – Front Setback for WW should remain 10 feet. The current setback is 60 ft. or prevailing or 10 ft. for water dependent uses only. The proposed setback is prevailing or 30 ft. *Staff comment: Recommend adding the 10 foot setback for water dependent uses only in addition to the proposed 30 ft. or Prevailing front setback.* **PC Recommendation: Add additional 10 ft. front setback for water dependent uses only**

(B)

### 2. SHORELINE WIDTH

For Hamlet, Village, Residential (R), Residential-1 (R-1) and Residential Mixed (RM), the Planning Commission has recommended a 100 ft. shoreline width minimum requirement.

### 3. §154.1-307 DOMESTIC HUSBANDRY, TRADITIONAL HUSBANDRY AND INTENSIVE FARMING USES, FACILITIES, STRUCTURES AND BUILDINGS.

(A) Minimum standards for domestic husbandry:

(1) The total number of farm animals shall be as follows:

- (a) On lots less than one acre the total number of farm animals shall not be greater than 10 farm animals weighing less than 25 pounds each, 1 farm animal weighing 25 pounds or more ~~and 3 bee hives~~; (C)
- (b) On lots one acre or greater but less than 2.5 acres the total number of farm animals shall not be greater than 50 farm animals weighing less than 25 pounds each, 2 farm animals weighing 25 pounds or more ~~and 10 bee hives~~; (C)
- (c) On lots 2.5 acres or greater but less than 5 acres the total number of farm animals shall not be greater than 50 farm animals weighing less than 25 pounds each, 5 farm animals weighing 25 pounds or more ~~and 10 bee hives~~; and (C)
- (d) The total number of farm animals on a lot 5 acres or greater shall be based on sound agricultural practices established and promoted by the Virginia Cooperative Extensive Service.

(2) Private and commercial equine riding, boarding and training facilities, shall provide at least 1 acre of open pasture per horse.

(3) Domestic husbandry uses, structures and buildings for the purposes including but not limited to, waste storage, disposal practices, storage, shelters, grazing, pasture, feeding, handling and containment shall be setback as provided for in each specific zoning district and NCC Chapter 158: Chesapeake / Atlantic Preservation Areas.

(B)

(4) Beekeeping/aries

(b) All beekeeping operations must be maintained in accordance with the Va Code Chapter 22.1 Beekeeping, Sections 3.1-540.1 through 3.1-610.27 as amended.

(c) All beekeeping operations should be maintained in accordance with the Best Management Practices for Maintaining European Honey Bee Colonies in Virginia as prepared by the Virginia Department of Agriculture & Consumer Services.

(e) At a minimum the following items are required:

1. Comply with all local, state and federal ordinances, laws, and regulations as they pertain to beekeeping and management of honey bees.
2. Maintain all apiaries at least 10 feet away from property lines, and ensure all colonies less than 40 feet from property lines are placed behind a barrier which will prevent direct access or flight pathways to the colonies.
3. Ensure that colony flyways are more than 12 feet above the ground when they cross property lines.
4. When maintaining colonies within 200 feet of a property line, provide and maintain a water source within 50 feet of the colony.
5. Remove or relocate an apiary that is within 50 feet of any animal that is tethered, penned, kenned, or otherwise prevented from escaping.

(C) Minimum standards for intensive farming shall be as follows:

- (1) All standards set forth in subsection (A) and (B) above shall apply.
- (2) **Intensive farming uses, structures and buildings for the purposes including but not limited to, waste storage, disposal practices, storage, shelters, grazing, pasture, feeding, handling and containment shall be setback as follows:**

- (a) A minimum of 300 feet from all rights-of-ways;
- (b) A minimum of 500 feet from property lines, except this may be reduced to 200-feet if there is 200 feet in width of mature woodlands and ammonia scrubbers are used to actively capture emissions. These same mature woodlands used to secure a reduction in setbacks must be preserved, neither thinned nor harvested, during the life span of the associated intensive farming;

(c) A minimum of 2,000 feet from the limits of an incorporated town;

(d) A minimum of 1,050 feet from Village (V), Hamlet (H), Cottage Community (CTCM) and Town Edge (TE) zoning districts and incorporated town; and

(e) A minimum of ~~500~~ <sup>5,000</sup> feet from shorelines and perennial streams.

(A) (5) ~~Ammonia scrubbers shall be installed and operational in all animal containment buildings.~~

**4. §154.1-309 ACCESSORY DWELLINGS AND ~~ADDITIONAL SINGLE FAMILY DWELLINGS ON ONE LOT.~~**

(B) General standards for all accessory dwellings.

(A) (4) The accessory dwelling shall be owned by the same owner as the single-family dwelling to which it is accessory ~~and the owner shall reside in the single-family dwelling or the accessory dwelling;~~

(6) The accessory dwelling shall be constructed in compliance with the Virginia Uniform Statewide Building Codes requirements for dwellings and shall be issued a certificate of occupancy as a dwelling; and

**5. § 154.1-315 SOLAR ENERGY FACILITY STANDARDS.**

(B) General performance standards.

(A) (1) Any uses planned as accessory uses to the principal uses shall be subject to approval by the Board of Supervisors as part of the special use permit. If the solar power system is not built to completion within two years after the granting of the special use permit, becomes unused, abandoned or vacated for more than 12 consecutive months, the Board of Supervisors shall initiate revoking the special use permit to eliminate the Solar energy facility EFD at that location.

(7) The following requirements shall govern the landscaping surrounding a solar energy facility:

(A) (a) A vegetated buffer is required that consists of a landscaped strip at least 50 feet wide measured from each boundary line of the solar energy facility around the entire perimeter. Any fencing must be installed on the interior of the buffer. ~~A recommendation that the screening and / or buffer creation requirements be waived may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands, as long as they wetlands or woodlands are permanently protected and be considered for use as a buffer.~~

(A) (8) Noise generated by the facility shall be limited to 60 a-weighted decibels (DBA) as measured at the property line except when a back-up generator is needed for maintenance. Construction on the site is exempt from this standard.

(14) The following reporting is required.

- (A) (a) The solar installation operator will notify the County Administrator Board of Supervisors as soon as the applicant is transmitting electricity from solar panels to the electrical public utility grid.
- (A) (b) The solar installation operator shall submit a report to the Northampton County Administrator once a year, no later than July 1. The report shall state the current status of the installation.
- (A) (c) Any change of ownership or management of the solar installation shall be reported to the County Administrator Board of Supervisors within 60 days of the change.
- (d) If the solar facility ceases operations, the operator shall notify the Board of Supervisors 60 days in advance.

(A) (15) Additional rRequired setbacks are required for a solar energy facility as follows:

(A) 6. §154.1-318 EVENT VENUE

(A) All event venues shall comply with the minimum standards below:

- (16) The event venue may shall be served by a water supply and septic system approved by the Virginia Department of Health for this specific use; and

7. §154.1-403 HEIGHT AND BULK.

(B) (F) The maximum height for any single-family dwelling shall be as provided for in each zoning district except that in the Agricultural and Conservation Districts, additional height may be permitted where the single-family dwelling is set back from each property line (front, rear, and sides) two additional feet horizontally for each 1 foot of additional height over 35 feet, up to a maximum of 45 feet.

8. §154.1-604 OFF-STREET PARKING.

(D) Standards to determine the number of required spaces shall be as follows:

(B) (14) Schools : One space for each teacher, administrator, or other employee, plus five spaces per classroom for high schools or one space for each four seats in an assembly hall, whichever is greater.

9. §154.1-701 PERMITS REQUIRED FOR SIGNS.

(A) No sign greater than 2 ½ square foot in area may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Chapter and with a valid sign permit.

(B) Applications for a sign permit shall be submitted to the Zoning Administrator and shall include detailed renderings, including colors, sizes, lighting and location for all signs. Sign requests for a multi-use or tenant development projects shall be submitted in conjunction with the first site plan submitted for approval within the project.

(C) The following signs are exempt from regulation under this ordinance:

- (1) Signs 2 ½ square feet or less in area ~~and not located on primary highways;~~
- (2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, traffic, directional, or regulatory signs;
- (3) Official signs required by federal or state regulation;
- (4) Flags of the United States and other nations, the Commonwealth of Virginia, Northampton County and other political subdivisions of the United States and of bona fide civic, charitable, fraternal and welfare organizations. All such flags shall be mounted in a permanent fashion with no more than two flags on a single pole. No more than 3 flag poles are permitted on any single lot or parcel. Flags shall be maintained in good repair and shall not constitute a hazard to vehicular or pedestrian traffic.
- (5) Directional or premise signage which does not exceed 4 square feet in size and 6 feet in height.
- (6) Signs including lighting erected in connection with the observance of legal holidays, provided such signs and lighting shall meet size, illumination, and height requirements as may be required by this ordinance. Such signs or lighting shall be erected no earlier than 45 days before the legal holiday and removed within 15 days following such holidays;
- (7) Signs displayed on a truck, bus, or other licensed vehicle while in use in the normal conduct of business.
- (8) Historical markers identifying properties or structures which have been recognized as historically significant on National, State, or local registries, or in policy documents adopted by the Board of Supervisors, such as the Comprehensive Plan. Historical markers shall be allowed a maximum height of 8 feet, and shall not exceed 4 square feet in area.
- (9) Crop identification signs which ~~are located in the agricultural fields, are placed in direct relation to bona fide crop production areas, do not exceed 6 square feet in size and are not in place for more than 120 consecutive days.~~

**§154.1-702 TEMPORARY SIGNS.**

(A) The following temporary signs are permitted without a zoning permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance.

(1) Real estate advertising signs.

(a) On premise signs.

(A)

1. On premise signs advertising the sale, lease, or rental of property shall be limited to one sign per agency per lot per street frontage or frontage on navigable waterway.
2. Signs shall not exceed 4 square feet in size and a maximum of 4 feet in height except for agricultural, commercial and industrial zoning districts in which signs shall not exceed 32 square feet in size and a maximum of 10 feet in height.
3. The height of all signs shall be measured from ground level to the top of the sign structure.

(b) Off-premise signs.

1. Off-premise signs advertising the sale, lease, or rental of property shall be allowed in conjunction with a bona fide "open house" showing and shall not be erected for more than 3 days in any 7 day period.
2. Signs advertising a multiple number of lots for sale in a development may be placed at the entrance as large as 32 square feet in area and 10 feet in height.

(2) Construction site or development project identification signs.

- (a) Such signs shall not be erected before the issuance of a land disturbing permit for the property and shall be removed within 10 days after the issuance of the final inspection or certificate of occupancy by the Building Official.
- (b) One project identification sign shall be permitted per construction site or development project and limited to 16 square feet in area and 10 feet in height.
- (c) In addition, in the case of multiple principals at the construction site or for the development project (e.g., owner, developer, architect, engineer, contractor, or real estate or leasing agent) all identification information shall be contained on one additional sign, limited to 16 square feet in area and 10 feet in height.

(A)

(3) Political campaign and special event signs.

(a) Such signs shall not be located within public rights-of-way or attached to public utility structures and shall be limited to freestanding signs not more than 16 square feet in area except in agricultural, commercial and industrial zoning districts which shall not exceed 32 square feet in area.

(A)

~~(b) No such sign shall be permitted to encroach into the sight triangle of any street intersection.~~

(A)

~~(c) Such signs shall be removed within 7 days following an election, canvass or primary.~~

(A)

(4) ~~(h) Political campaign and Special event signs, including flags, indicating an event to be located on property where the special event such as a grand opening, fair, carnival, festival, seasonal sale of local products, yard sale or similar event is to take place may be erected no more than 300 days prior to the political election, primary, canvass, referendum or special event, and shall be removed no later than 48 hours after the special event has concluded.~~

(A)

~~(4) All temporary signs shall be removed within 7 days following the sale, election, primary, project or other event to which they were related.~~

#### §154.1-703 GENERAL SIGN RESTRICTIONS AND PROHIBITIONS PERTAINING TO ALL SIGNS.

- (A) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited.
- (B) Signs that are attached to or utilize utility poles adjacent to streets and roadways are prohibited.
- (C) No signs or supporting structures shall be located within or over any public right-of-way unless authorized by the holder of the right-of-way.
- (D) No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- (E) No sign may be located within the sight triangle that interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private roads.
- (F) Portable signs and off-premise signs shall be prohibited unless otherwise specifically allowed by this Chapter. **Portable signs containing public service messages shall be allowed.**

#### §154.1-704 PERMITTED SIGN STANDARDS.

(A)

(A) Façade identification signs on properties used for non-residential purposes.

- (1) Each non-residential establishment, except for planned developments, home occupations, and shopping centers, regulated separately in this section, shall be allowed a total of one façade sign attached to a wall or building unit containing the establishment.
- (2) Such signs shall be limited to not more than 10% of the area of the structure fronting or facing a road or highway, or 200 square feet, whichever is less, and shall meet the following standards:
  - (a) All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images.
  - (b) In the case of multiple occupancy buildings which are not shopping centers, each occupant of a building shall be allowed a total of one façade sign attached to an exterior wall. Such sign shall be limited to 10% of the area of the wall to which it is attached or 200 square feet, whichever is less.
  - (c) Each establishment or, in the case of multiple occupancy buildings which are not shopping centers, each building, is allowed one projecting sign which meets the following standards:
    - 1. Each projecting sign shall not exceed 10% of the area of the wall fronting or facing a public street or highway, or 40 square feet in area, whichever is less.
    - 2. All projecting signs shall be mounted such that the bottom of the sign is at least 8 feet above grade.
  - (d) Canopy or awning signs shall be allowed in addition to the one façade sign or one projecting sign.
  - (e) Mural art painted building walls, reflecting the nature of the area, are exempted from the above restrictions if they do not contain words. Specifically permitted, by example, are renderings of wildlife, shore scenes, historic town scenes or similar which shall be done in relatively accurate detail and color schemes.

(A) (B) Freestanding identification signs on properties used for non-residential purposes.

- (1) Each non-residential establishment, except for planned developments, home occupations, and shopping centers shall be allowed a total of one freestanding sign per lot or parcel not exceeding 64 square feet and 30 feet in height. In addition each business located on U.S. 13 or Business U.S. 13 may have one informational sign for approaching traffic from each direction within 1 mile of the business advertised subject to Virginia Department of Transportation regulations, property owner's permission, and not to exceed 32 square feet.

(A) (2) Design standards for freestanding signs on properties used for non-residential purposes.

(a) All freestanding signs, except for home occupation signs, shall be monument-type signs, double-post signs, or single-post signs, and shall comply with the following standards:

(b) Signs incorporated into a free-standing wall or completely solid structure which is set upon footings shall be entitled to a 30% larger face area than otherwise provided for in this Article provided the following conditions are met:

1. The width of the base of the sign shall be equal to or greater than the width of the sign face.
2. The height of the base of the sign shall be less than or equal to the height of the sign face unless architectural pillars are used.
3. The total height of the sign, including the base, shall be less than the width of the base.
4. The sign shall be masonry, wood, high density urethane (HDU), or composite panel or other suitable materials.
5. Shrubs, flowers, or other landscaping materials which do not obscure the sign face shall be incorporated into the sign installation area.

A

~~6. All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts and images and shall all be constructed utilizing the same materials.~~

(c) Double-post signs

1. Total sign structure height shall not exceed 16 feet.
2. Sign shall be wood, high density urethane (HDU), or composite panel or other suitable materials.

A

~~3. All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.~~

(d) Single-post signs

1. Total sign height shall not exceed 16 feet.
2. Sign structure shall be a single, vertical mounting pole and shall be made of wood, high density urethane (HDU), composite panel or other suitable materials.

A

A

23. Sign face shall not be attached directly to the vertical mounting pole and shall utilize a mounting arm attached perpendicular to the vertical mounting pole.

(A)

24. ~~All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.~~

(A)

(C) Signs on properties used for residential purposes. Home occupations

(1) ~~Home occupations. Signs on properties used for residential purposes~~ are allowed one freestanding sign per parcel, limited to no more than 4 square feet and 4 feet in height.

(A)

(2) ~~Home occupation signs. Signs on properties used for residential purposes~~ shall not be illuminated.

(D) Sales of agricultural products shall be allowed one freestanding sign and one façade sign, no larger than 4 square feet in size and a maximum of 6 feet in height. One off-site sign no more than 1 mile from site in each direction is allowed to advise motorists in advance of sale location.

(E) Shopping Centers

(A)

(i) ~~All signage within or related to a shopping center shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images, and freestanding signage shall all be constructed utilizing the same materials.~~

(2) Individual establishments within a shopping center shall each be allowed one façade identification sign which does not exceed 10% of the area of the wall frontage dedicated to that establishment and not extend over more than 85% of the horizontal width of the building front.

(3) In addition to a façade identification sign, individual establishments within a shopping center shall each be allowed one projecting sign which does not exceed 10% of the area of the structure frontage dedicated to that establishment.

(4) Shopping centers shall be allowed one freestanding identification sign per road frontage, each limited to no more than 150 square feet in size and 30 feet in height.

(A)

(5) ~~Freestanding identification signs for shopping centers which include more than one name or logo on the sign face shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images installed on the sign.~~

(6) Out parcels platted as part of a shopping center shall be allowed one façade identification sign per establishment and one freestanding sign per road frontage with no sign greater than 60 square feet.

(F) Directional signs shall not be counted as signs for the purpose of calculating the total number of signs in place.

(G) Residential uses such as residential subdivisions, multi-family developments, and mobile home parks shall be allowed one freestanding identification sign per public entrance which shall be consistent with freestanding sign standards herein.

## 10. §154.1-1201 DEFINITIONS.

**A** *Agricultural business office.* A location, usually a building or portable building, where the administrative duties are conducted that are associated with the management of a agricultural operation.

**A** *Agricultural disposal practices and structures.* An area or structure in which to put dead poultry/livestock, into a landfill or disposal pit; the treatment and complete destruction of dead poultry in an incinerator or treatment by rendering or composting; for the management of dead livestock/poultry by other methods approved by the State Veterinarian and in accordance with other state laws and regulations. When used in association with intensive farming specific setbacks must be met as defined in §154.1-307 of the NCC.

**A** *Ammonia scrubber.* Machines/Equipment utilized in intensive farming for the purpose of removing ammonia gas from the air discharged by confinement buildings that house animals.

**A** *Aquaculture operation.* The propagation, rearing, enhancement, and harvesting of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water, and any land, structures, equipment and buildings directly related and essential to the function of this operation such as, but not limited to any landing, administrative office, laboratory, sales, hatchery, pond, raceway, pen, cage, incubator, grader, washer, or other equipment used in aquaculture. This shall not include processing of food or agricultural support businesses. Although other agencies may consider washing and shucking of oysters and clams to be processing, for the purpose of the NZC only, the washing and shucking of oysters and clams shall not be considered processing. Each district may further restrict this use by size and/or design. Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

**A** *Artist and artisan studio.* A workshop facility for creating art and artisan works that may include sales, galleries and private instruction facilities. Each district may further restrict this use by size and/or design. Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

**A** *Biomass.* Agricultural-related materials including vineyard, grain or crop residues; straws; aquatic plants; and crops and trees or waste materials capable of decomposition that are produced from the raising of plants and animals during agricultural operations, including animal manures, bedding, plant stalks, hulls, and vegetative matter planted for energy production.

**A** *College.* A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion/competency in business or technical fields.

(A) *Commercial services.* A business use that renders services to other businesses, groups and individuals on a fee or contract basis such as, but not limited to, building systems, laundries, copy shops, printing services, package and postal services, photo processing, janitorial services, and similar uses. Commercial services shall not include vehicle services. Each district may further restrict this use by size and/or design. Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

(A) *Community or Community Uses.* Uses that provide a public services for the benefit of the community in which they are located. Usually furnished by the government or institution but which may also be provided by private and / or nonprofit enterprises.

(A) *Event venue.* The commercial use of land, structures and buildings established at a permanent location where people assemble to take part in entertainment, educational, cultural, organizational, ceremonial, and / or celebratory events, open to the public or private parties for use, and usually operated in exchange for remuneration. This use is separate from the use "agritourism" which has separate standards establish by the VA Code.

(A) *Family day home.* A child day program offered in the residence of the provider or the home of any of the children in care for one through twelve 12 children under the age of thirteen 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes serving six through twelve 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed by the State. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered by the State. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. A family day home serving one through five children, exclusive of the provider's own children and any children who reside in the home shall be considered as residential occupancy by a single family have no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Each district may further restrict this use by size. Size denotes the number of people.

(A) *Farm animals.* Farm animals shall mean any animals, other than pets, that may, where permitted, be kept and maintained for commercial production and sale or use by a family for food, fiber, fuel, education or recreation. For the purpose of the NZC, the farm animal definition shall include bees. Farm animals weighing less than twenty-five 25 pounds are considered to be animals that do not typically require large areas of pasture to graze such as poultry and smaller species of livestock. Farm animals twenty-five 25 pounds or more are considered to be animals that do typically require large areas of pasture to graze such as cattle, pigs, larger species of goats and larger species of sheep. This shall not include horses.

(A) *Fishing, commercial.* A business use that catches finfish or shellfish for profit including any land, structures, buildings and equipment directly related and essential to the function of this uses, such as, but not limited to, any landing, administrative office, equipment storage and grading and packing sheds. This shall not include processing of finfish or shellfish. Although other agencies may consider washing and cleaning of finfish and shellfish to be processing, for the purpose of the NZC only, the washing and cleaning of finfish and shellfish shall not be considered processing.

(A) Each district may further restrict this use by size and/or design. Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

(A) *Government offices.* A building or structure owned, operated or occupied by governmental agency to provide a governmental service to the public. Each district may further restrict this use by size and/or design. Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

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

(A) *Industrial services.* Businesses in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or for other industrial or manufacturing uses.

(B) Licensed farm winery, limited brewery and limited distillery. A small scale winery, brewery or distillery located on property within the agricultural zoning district and specifically licensed by the Commonwealth of Virginia as a farm winery, limited brewery or limited distillery. This use shall not include restaurants, but may include catering activities as permitted the Commonwealth of Virginia. Other uses such as but not limited to event venues, restaurants and agritourism that may be associated with a licensed farm winery, limited brewery and limited distillery, shall be regulated as separate uses.

(A) *Livestock.* All domestic or domesticated poultry, bovine animals, e.g. cows, equine animals, e.g. horses, ovine animals, e.g. sheep, porcine animals, e.g. pigs, cervidae animals, e.g. deer, animals of the genus Lepus, enclosed rabbits or hares raised for human food or fiber, or any other individual animal specifically raised for food or fiber, except companion animals.

(A) *Office, professional or business.* A business use that transacts the affairs of a profession, business, service, industry or government, offices such as, but not limited to, accounting, auditing, bookkeeping, advertising, architecture, engineering, attorneys, medical, dental, insurance, and real estate and others. Each district may further restrict this use by size and/or design. Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

(A) *Personal services shall not include vehicle services.* These uses may also include accessory retail sales of products related to the services provided. Each district may further restrict this use by size and/or design. Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

(B) Pet. A domestic or tamed animal kept for companionship or pleasure and not afflicts not otherwise regulated under §154.1-307.

(A) *Restaurant.* Any place where food is prepared for service to the public on or off the premises, or any place where food is served with or without drive through service. Each district may further restrict

(A) **this use by size and/or design.** Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

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

(A) **Sales, retail convenience.** Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. An accessory use may include the sale of fuel. **Each district may further restrict this use by size and/or design.** Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

(A) **Sales, retail general.** Establishments that are retail operations that carry an assortment of merchandise from all the other categories. Such establishments may include but are not limited to department store, discount store, farm store, and similar establishments. **Each district may further restrict this use by size and/or design.** Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

(A) **Single-family dwelling or SFD.** A building or portion of a building containing a dwelling that is intended for occupancy by one a family. A single-family dwelling may include an accessory dwelling as provided for in NCC §154.1-309 Accessory Dwellings. SFDs include on-site construction, manufactured double or triple-wide H.U.D. inspected or modular H.U.D. inspected dwellings.

(A) **Total building footprint.** The square footage of a structure or building measuring the outside dimensions of all stories combined in plan view including all attachments such as porches, decks, stoops, steps, bay windows, and balconies etc. which are attached to part of the structure or building.

(A) **Uses similar to.** A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, and physical space needs, and clientele.

(A) **Commercial Vehicle services.** A business whose primary function is the service and repair of vehicles. **Each district may further restrict this use by size and/or design.** Size denotes the cumulative total building footprints of all structures and buildings associated with this use.

(A) **Windmill.** A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water. A windmill is not a wind energy conversion system. **Each district may further restrict this use by size and/or design.** Size denotes the total height of the windmill.

(A) **Wind turbine, small scale.** A system with a rated capacity of not more than 10 kW for residential use and not more than 100 kW for other uses and used solely for onsite use of electrical power. **Each district may further restrict this use by size and/or design.** Size denotes the total height of the wind turbine.

(C) **Winery, micro-scale farm.** ~~An establishment licensed on a farm with a producing vineyard, orchard, or other growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume or (ii) a producing vineyard, orchard, or similar growing area in agreement with the relevant grapes or other fruits~~

from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed by the Commonwealth of Virginia as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

(A)

**11. GENERAL**

A global recommendation was made by the Planning Commission to spell out numbers one through ten and to spell out numbers above ten unless they involve using more than two words.

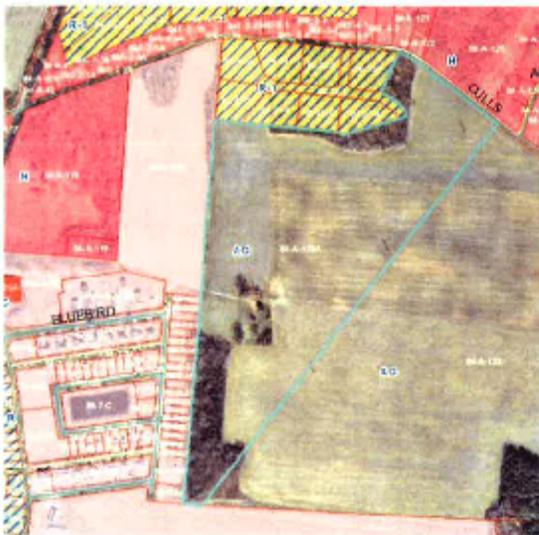
**MAPPING**

**(#6) Nathan Tyler - Request to be R-1 - Tax Map 84-A-139A.** This parcel contains 40.5 acres, is currently zoned ES-CDRR and proposed to be Agriculture. The current use is agriculture. The surrounding proposed zoning consists of R-1, Hamlet and AG. Preliminary plat approval has been given for Phase II of Woodland Meadows subdivision (2008). *Staff comment: With the preliminary plat approval and location close to Cheriton, staff has no objection to this request. PC*

**Recommendation: Change to R-1**



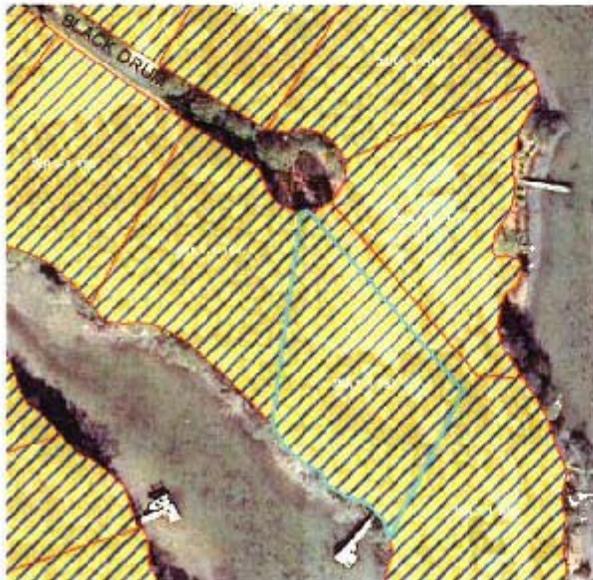
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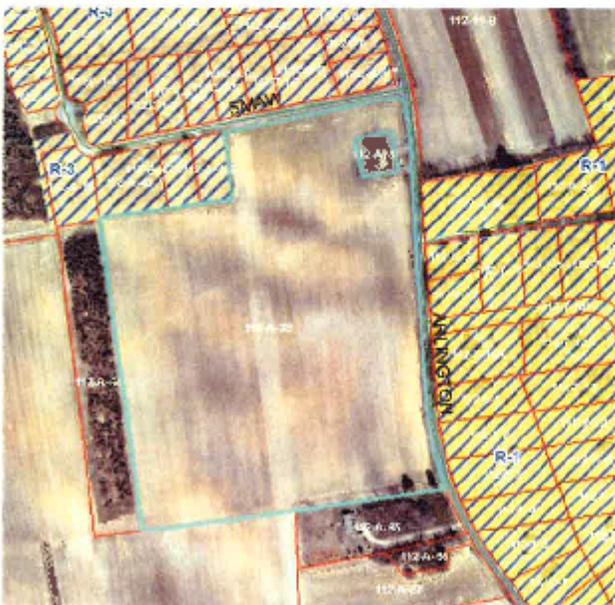
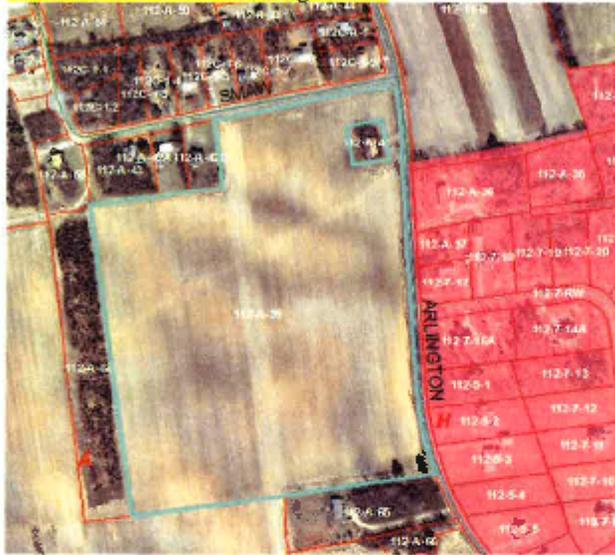
**(#12) Lloyd Thatcher - Opposed to rezoning - Tax Map 38A1-1-193.** This parcel contains 0.77 acres, is currently zoned ES-RVR and is proposed to be R-1. The property is located in the Vacluse subdivision. Current use of the parcel is residential. Surrounding zoning consists entirely of R-1.  
**Staff comment: Recommend leave as R-1. PC Recommendation: Leave as R-1**



(A)



**(#20) Denard Sady & Dora Wilkins Request to be R-3 Tax Map 112-A-39.** Parcel contains approx. 26.96 acres, is currently zoned A/RB and is proposed to be Agriculture. Adjacent proposed zoning consists of R-3 to the north, R-1 to the east, and Agriculture to the south and west. The current use of this parcel is agriculture. Not suitable as a part of this process. *Staff comment: May be suitable in the future as an individual rezoning request for a specific project or development.*  
**PC Recommendation: Change to R-3**



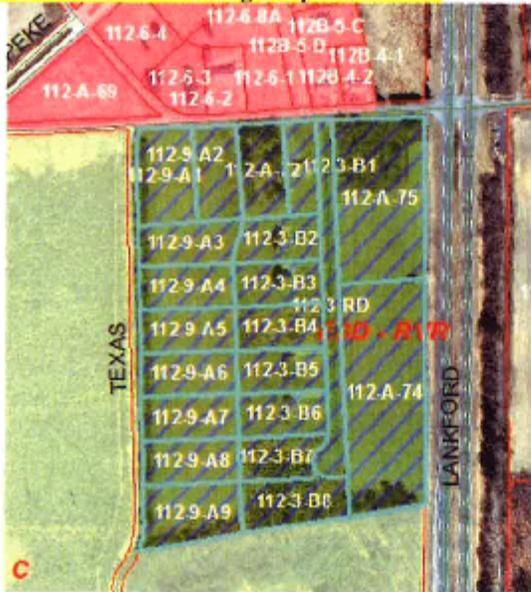
**(#22) Shelton Alley Request to be R-5 – Tax Map 99-4-1,2,3,4,5,6,7,7A and A.** All parcels are currently zoned ES-A1 and are proposed to be zoned Agriculture with the coastal edge zoned Conservation. All parcels are currently in the Milford AFD which is up for renewal in 2019. *Staff comment: Recommend these parcels remain AG as proposed. Current map is on top and proposed is below. PC Recommendation: Leave as AG*



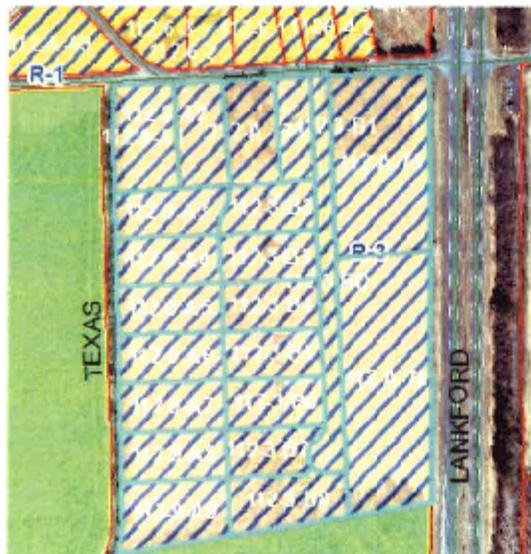
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**(#23) CA Turner, Claudia Bagwell & Whitaker Turner - Request to be R-1 - Tax Map 112-A-75.** Parcel contains 2 acres. Comment is specific to parcel 112-A-75 but also is requesting additional parcels on Lucille's Lane be rezoned to R-1 instead of R-3. Parcels currently zoned ES-RVR and are proposed to be R-3. *Staff comment: With the change of Kiptopeke Hamlet from Hamlet to R-1 adjacent to the north of this area, staff would support this request.* **PC**

**Recommendation: Change all parcels to R-1**



(A)





**(#25) Elizabeth Long - Request to be AG - Tax Map 14-A-26C.** Parcel is currently zoned A/RB and is proposed to be R-5. There are no improvements on the parcel. *Staff comment: No objection to request. PC Recommendation: Change to AG*



(A)



**(#26) Devlin Barrett - Request to be AG and not Commercial - Tax Map 40-A-21.** Parcel contains 63.92 acres and is currently zoned A/RB. It is proposed to be Ag with approximately 17 acres proposed to be Commercial. *Staff comment: No objection to request. PC*  
**Recommendation: Change to AG**



(A)



**(#37) M.R. Hoagland, III - Request to be AG – Tax Map 2-A-19.** Parcel contains 3.3 acres, is currently zoned Agriculture and proposed to be R-3. Surrounding proposed zoning consists of Ag and R-3. *Staff comment: No objection to the request. Adjacent parcels have also requested to remain Ag.* **PC Recommendation: Leave as R-3**



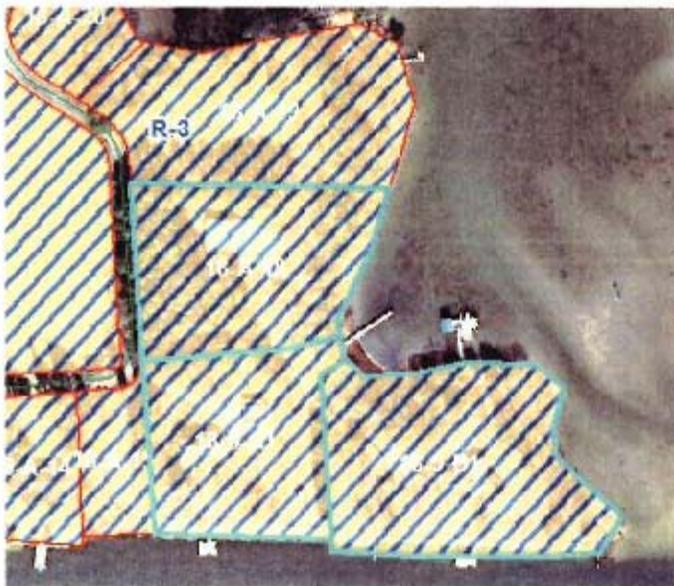
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**(#43) Ruth Meyers - Retain A/RB for Tax Map 18-5-A1 and B1 and 18-A-18.** Parcels contain 1.7, 2.4 and 1.9 acres respectively. Current zoning is A/RB and proposed zoning is R-3. Surrounding proposed zoning consists entirely of R-3. *Staff comment: Leave as R-3. PC*  
**Recommendation: Leave as R-3**



(A)



**(#45) Bill Scalley - Request to be TE. Tax Map 84F-2-D1.** Parcel contains 0.45 acres, is currently zoned TT-1 and proposed to be Commercial. Surrounding zoning consists of Commercial and Town Edge. *Staff comment: Recommend leave as proposed. If the Board wants to change it to TE, they should change the whole block up to, but not including, Northampton Growers.* **PC**  
**Recommendation: Leave as C**



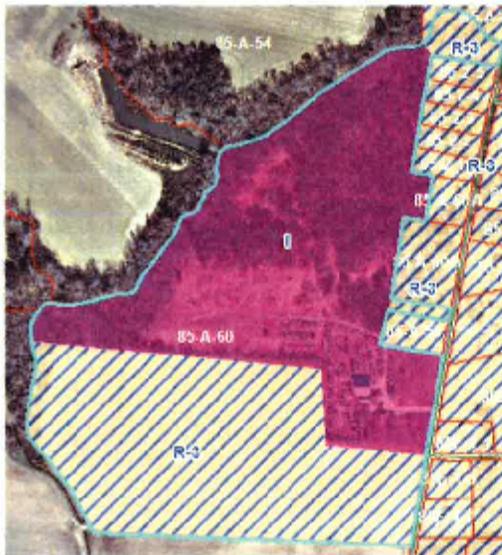
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**(748) Louis Rock - Request to be AG Tax Map 85-A-60.** Parcel contains 41.57 acres and is currently split zoned with portions of it designated as A/RB and EI. The proposed zoning is also split with Industrial and R-3. Surrounding proposed zoning consists of R-3 and Agriculture. The comment is specific to the area south of the Industrial portion which is currently under cultivation. *Staff comment: No objection to the request.* **PC Recommendation: Change southern portion to AG**



(A)



**(#49) Claudia & Frank Dorsch - Object to zoning at intersection of Rt. 13 and Birdsnest Dr. - Tax Map 30-A-85 and 84.** Parcels contains 3.63 and 0.17 acres respectively and are currently zoned A/RB. Both parcels were proposed to be Hamlet at the March 11, 2014 public hearing. Surrounding zoning consists of Hamlet. *Staff comment: A specific request was submitted by the property owner to rezone both parcels as well as 30-A-86 to Commercial. The Board changed all three parcels to commercial as part of their review. PC Recommendation; Leave as C*



(A)



**#51) Charles & Bettye Smith - Request to be AG - Tax Map 15B-A-3.** Parcel contains 17 acres, is currently zoned A/RB and proposed to be split zoned with the house and yard as R-3 and the remainder as Agriculture. Surrounding proposed zoning consists of R-3 and Agriculture. **Staff comment: No objection to request. PC Recommendation: Change to AG**



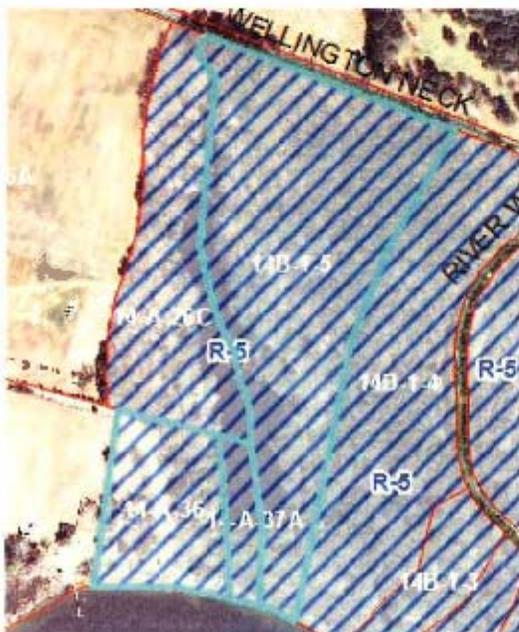
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**(#53) Janet Sturels - Request to be AG - Tax Map 14-A-36, 37A and 14B-1-5.** Parcels contain 2.94, 0.8 and 10.48 acres respectively. They are currently zoned A/RB and are proposed to be R-5. Surrounding zoning consists of R-5 and Agriculture. *Staff comment: No objection to request. PC*  
**Recommendation: Change to AG**



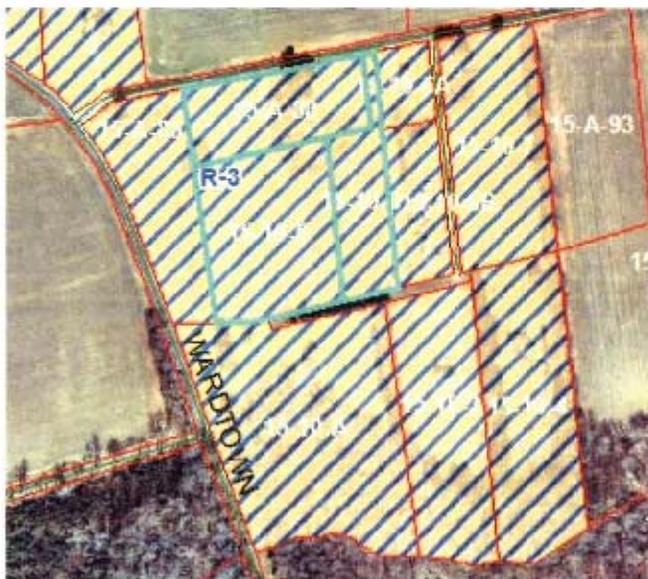
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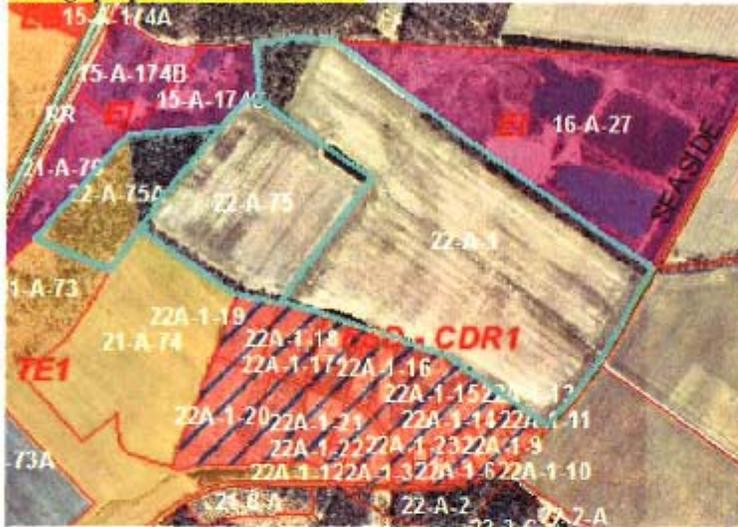
**(#54) Leo Kellam - Request to be AG - Tax Map 15-A-88, 15-10-6 and 15-10-5.** Parcels contain 1.89, 1.36 and 2.96 acres respectively. They are currently zoned A/RB and are proposed to be R-3. Surrounding zoning consists of R-3 and Agriculture. *Staff comment: Leave as R-3.* **PC**  
**Recommendation: Change entire block to AG, including 15B-A-3A**



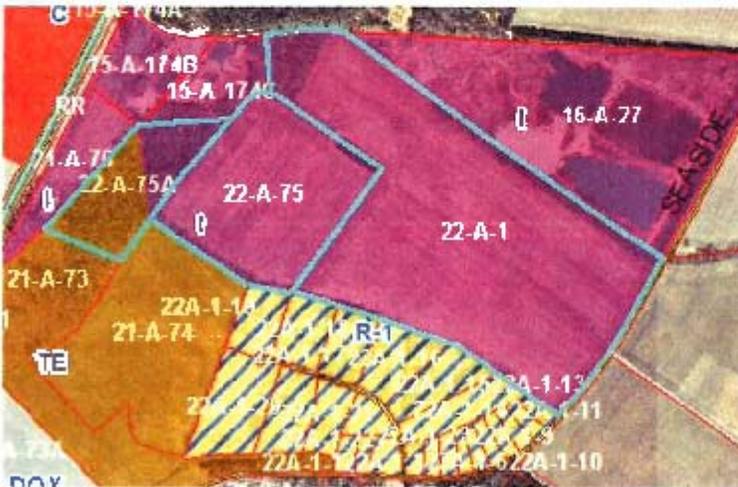
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**(#56.57) Polk & Roberta Kellam Opposed to Industrial zoning. Tax Map 22-A-75, 22-A-1 and part of 22-A-75A.** Parcels contain 24.21, 66.46, and 4 acres respectively. All parcels are currently zoned A:RB with half of parcel 22-A-75A zoned TE-1. They are all proposed to be Industrial and the TE-1 portion of lot 75A proposed as Town Edge. Surrounding zoning consists of R-1, Town Edge, Agriculture and Industrial. *Staff comment: Leave as proposed Industrial.* **PC Recommendation: Change proposed Industrial to AG**



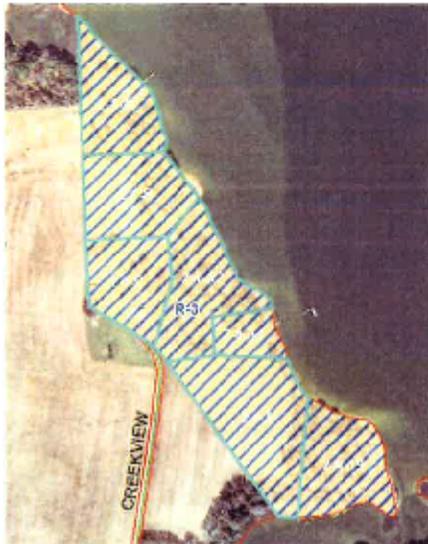
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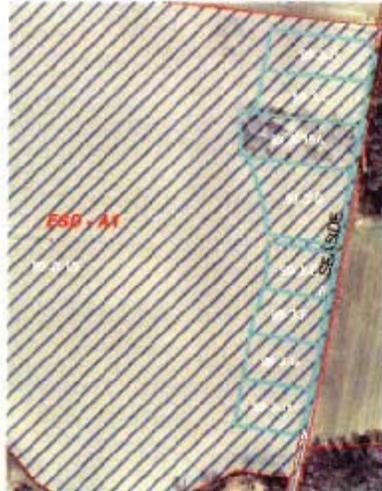
**(#66,67,68) Michelle & Timothy Holloway Opposed to rezoning to R-3 Request to remain Ag. Tax Map 2-1-C, 2-4-A2, 2-1-B, 2-4-A, and 2-1-A.** Parcels contain 2.85, 3.67, 3.36, 5.11 and 3 acres, respectively. These parcels are currently zoned A/RB and are proposed to be R-3. Surrounding zoning consists of Agriculture. *Staff comment: No objection to request. If the Board changes the zoning to Ag, staff would recommend changing 2-4-A1 to Ag as well.* **PC Recommendation: Leave as R-3**



(A)



**Request by Chuck Tankard – Request AG for parcels 99-3-B, C, D, R, F, G, H and 99-A-15A.** Request came in after the public hearing. Current zoning is ES-A1 and proposed to be R-3. **PC Recommendation: Change to AG**



(A)



As many of the Board members had indicated their acceptance of all of the Planning Commission recommendations in the memorandum dated December 2, 2015 marked as green circled “A”, with the exception of the ammonia scrubbers item (identified as II.3.C.5), contained on page 26 of the foregoing memorandum, motion was made by Mr. Trala, seconded by Mr. Bennett as follows:

I move that the Board of Supervisors adopt comprehensive text amendments to the County’s Zoning Ordinance. Specifically, I move that the Board adopt what is labeled “Exhibit 1”, a copy of which is attached to the document from which I am reading, including the Chesapeake/Atlantic Preservation Areas as incorporated by reference in “Exhibit 1” and attached hereto as “Exhibit 1(a)”, but amended to include any changes or corrections approved by the Board of Supervisors as amendments to this Ordinance offered at the time of adoption and reflected in the minutes.

I also move that the Board of Supervisors adopt comprehensive amendments to the Zoning Map for Northampton County. Specifically, I move that the Board adopt the Zoning Map a copy of which is attached to the document from which I am reading and marked as “Exhibit 2”, but amended to include any changes or corrections approved by the Board of Supervisors as amendments to this Ordinance offered at the time of adoption and reflected in the minutes.

Finally, I move that the Board of Supervisors repeal all zoning ordinances currently in effect and the Zoning Map currently in effect, this motion to repeal being intended to take effect simultaneously with the adoption of the zoning text amendments and zoning map amendments reflected in Exhibits 1, 1(a), and 2 which are attached to the document from which I am reading.

In order to formally adopt the motions which I have made I propose and move that the

Board adopt the following Ordinance:

WHEREAS, the Board of Supervisors has reviewed and studied the Comprehensive Plan and zoning regulations and maps for Northampton County; and

WHEREAS, the Board of Supervisors, after due consideration of the County's Comprehensive Plan, initiated revisions to the Northampton County Zoning Ordinance and Zoning Map which it deemed to be in the best interests of Northampton County; and

WHEREAS, on November 2, 2015, the Planning Commission and Board of Supervisors conducted a joint public hearing on and received extensive public comment about proposed zoning text and map amendments identified and advertised as Northampton County Zoning Code application ZTA 2014-01 as amended (Exhibit 1 attached hereto) and Northampton County Zoning Map application ZMA 2014-01 as amended (Exhibit 2 attached hereto); and

WHEREAS, on December 1, 2015, the Planning Commission recommended approval of proposed Northampton Zoning Code application ZTA 2014-01 (Exhibit 1 attached hereto) and proposed Northampton County Zoning Map application ZMA 2014-01 as amended, with certain changes and corrections proposed by the Planning Commission, some of which have been adopted by the Board of Supervisors and are reflected in the minutes; and

WHEREAS, copies of proposed Northampton County Zoning Code application ZTA 2014-01 as amended and proposed Northampton County Zoning Map application ZMA 2014-01, as amended, are attached hereto as Exhibits 1, 1(a) and 2; now, THEREFORE

BE IT ORDAINED, as follows:

**Section 1. Adoption of Zoning Ordinance Text.** The text of the Northampton County Zoning Ordinance shall be as proposed in the Northampton County Zoning Code application ZTA 2014-01, as amended (Exhibit 1 and 1(a) attached hereto), and including any changes or

corrections approved by the Board of Supervisors as amendments to this Ordinance offered at the time of adoption and reflected in the minutes. A copy of the amendments to the text of the Northampton County Zoning Ordinance is to be maintained by the Clerk of the Board and the Zoning Administrator among the records of Northampton County along with this Resolution and Ordinance.

**Section 2. Adoption of Zoning Map.** The Zoning Map of Northampton County shall be as proposed in the Northampton County Zoning Map application ZMA 2014-01, as amended (Exhibit 2 attached hereto), and including any changes or corrections approved by the Board of Supervisors as amendments to this Ordinance offered at the time of adoption and reflected in the minutes. A copy of the new Zoning Map shall be filed with the Clerk of the Board of Supervisors and with the Zoning Administrator, and is to be maintained among the records of Northampton County along with this Ordinance.

**Section 3. Repeal of previous Zoning Ordinance Text and Map.** Any and all Zoning Ordinances and Zoning Maps previously adopted by this Board or its predecessors are hereby repealed.

**Section 4. Authorization of Zoning Administrator to Make Clerical Corrections.** The Zoning Administrator is hereby authorized and directed to make clerical changes to the Northampton County Zoning Text and Map adopted by this Ordinance if necessary for correction of typographical or scrivener's errors, and removal of strike outs, text in bold or in color which have been included to reflect proposed and tentative changes to the Ordinance but not adopted hereby and to reflect any changes or corrections approved by the Board of Supervisors as amendments to this Ordinance offered at the time of adoption and reflected in the minutes. The Zoning Administrator is also authorized and directed to insert appropriate section

numbers, page numbers and headings associated with codification of the Zoning Text and with facilitating ease of use of the Zoning Text.

**Section 5. Findings.** The Board of Supervisors finds that the zoning text and maps adopted by this Ordinance are consistent with and in furtherance of the public necessity, convenience and general welfare; that they are consistent with good zoning practice, have been adopted after due consideration of the Comprehensive Plan of Northampton County, and are enacted after substantial community discussion and debate.

**Section 6. Effective date.** The Northampton County Zoning Ordinance Text and Map adopted hereby are effective immediately as of their adoption.

When the Chairman called for discussion on the motion, Mr. Hogg read the following comments and distributed four pages from the Board's Strategic Plan:

84 ATTENDEES

So I am clear the public has received proper notice of the changes made by PC Items A, B & C

Ladies and Gentlemen/ Fellow Board members

I am not certain as to the outcome of the vote for this evening. You may be witness to Statesmen performing "the will of the people" or a decision by elected officials that believe they represent your ideas. According to statements by the County Administrator, she is complying with a directive of the 2012 Board of Supervisors. In my opinion such a monumental directive would be reflected in the minutes in the meeting. In my review of the Board minutes of July 10, 2012, I was not able to find documentation of such a directive. To the County Administrator's credit, my review of the 5 Yr Strategic Plan adopted by the Board August 27, 2012 Reveals the following:

Economic Development, Objective #1: Review and revise the zoning ordinance to promote business development by June 30, 2013. Paragraph B. Review the zoning ordinance for consistency and compliance with the updated Comprehensive Plan.

However Paragraph A. Complete the Comprehensive Plan Update.

Chronologically speaking accomplishment of Paragraph A. would come before Paragraph B.

This is one of the REQUESTS MADE BY THE PUBLIC

Since July 10, 2012, there have been two elections. In my opinion the constituents demanded their interests be represented. Based on the results of the elections, constituents selected candidates with views opposing this ordinance and past governance practices. Tonight there is the opportunity for the two departing members to make a final effort to represent "THE WILL OF THE PEOPLE!"

If passed, as written, there will be more time and money spent to address <sup>remains</sup> property rights and resource protection and environmental concerns of constituents.

Professionally speaking my peers would ~~strongly~~ <sup>constituents and</sup> strongly admonish me if I voted to approve this document.

These are business opportunities that are coming  
Please note that ~~to~~ a Solar Farm is being considered  
there is an expansion to the former America House

Please Note This is a Tourism Initiative.  
and use of clean Bay Water,  
and a green energy initiative.

Ag Forestry cost v. Tax Committee Results -

Questions for Planning Commission 12-01-2015.doc

There is inconsistency in Zoning of Junk Yards.

Parcel No.	91-A-64	Samuel O. Halliwanger	Commercial	U.S. 13
Parcel No.	85-A-60	Louis Rock	Industrial	Seaside Road
Parcel No.	68A-3-2	Seymour Blair Lewis	Commercial	Bus US 13
Parcel No.	30-A-86	John Ferbee	Commercial	SR620 Birdsnest Dr
Parcel No.	16-A-22B	Roland Bailey	Commercial	U.S. 13

Why are All Existing Business converted to Commercial? It is evident that many are "home businesses".

Parcel No.	15D-5-17	Robert E. Fahey	part Commercial	US 13
Parcel No.	15-4-1B	PAWG, LLC	Commercial	SR688 Hare Valley Dr.
Parcel No.	30-A-87	Circle M. Ranch	<b>Why Not Commercial</b>	US 13
Parcel No.	40-A-21A	Museum	Why Commercial	US 13
Parcel No.	40-12-2A	North Co. Middle	Why Commercial	Young St.
Parcel No.	40-12-2B	North Co. Middle	Why Commercial	Young St.
Parcel No.	40 A A3	John Jardine	Why Industrial	Machiponga Lane
Parcel No.	49-7-A	Art Carter	Why Village Commercial	U.S. 13
Parcel No.	58-A-86	Mark Colson	Why R-5 v. Ag	US 13
Parcel No.	58-A-86A	Mark Colson	Why R-5 v. Ag	US 13
Parcel No.	68-A-72	Calvert Hill Bldg	Why Commercial	US 13
Parcel No.	68-A-74	Heneretta Trower	Why Commercial	US 13
Parcel No.	68-A-76	Applesed Nursery	<b>WHY NOT COMMERCIAL</b>	US 13
Parcel No.	77-A-3	Jack Borroughs	Why Commercial	US 13
Parcel No.	76-A-14	Sam Long	Why R-1 in middle R-3	
Parcel No.	84-3-A2	Kuzzens	Why Industrial	
Parcel No.	91-A-15B	Henry Jones	Why Commercial	No public Road
Parcel No.	91-7-A1	Two Farms	Why Commercial	Permits Expired
Parcel No.	91-A-65	Obelia Wright	Why Commercial	US 13
Parcel No.	98-A-47	Fishermans Village	Why Commercial	US 13
Parcel No.	105-A-73	William Parr	Why Commercial	US 13
Parcel No.	112-A-11	Elizabeth Ames	Why Commercial	US 13
Parcel No.	112-A 12 & 13	Shore Hospitality	Why Commercial	US 13
Parcel No.	112-A-14	Coastal Properties	Why Commercial	US 13, Permits Expired

I recently learned that some Planning Commission members have more knowledge of an individuals business than the owner. In addition, I also learned how little knowledge Commissioner's possessed at the time they were making decisions on properties under review. Of further concern is the arbitrary and capricious manner in which decisions have been made by some of the Planning Commission if not shared by a majority. Specifically alarming are comments made at the last two sessions of the Planning Commission where I was in attendance. It was stated in more than one case that some property would be "down zoned" to a lower classification after the owner had made improvements to property. While other properties would be "up zoned" because in the past the owner had plans approved yet had allowed the approved plans to expire.

Questions for Planning Commission 12-01-2015.doc

**Create an environment where businesses are welcome and services are available to help them be prosperous.**

**OBJECTIVE #1: Review and revise the zoning ordinance to promote business development by June 30, 2013.**

<b>STRATEGIES</b>	<ul style="list-style-type: none"><li>A. Complete the Comprehensive Plan Update.</li><li>B. Review the zoning ordinance for consistency and compliance with the updated Comprehensive Plan.</li><li>C.</li></ul>
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**OBJECTIVE #2: Develop an Industrial Park by June 30, 2017**

<b>STRATEGIES</b>	<ul style="list-style-type: none"><li>A. Develop list of available properties that meet the criteria developed by the Board of Supervisors for an industrial park.</li><li>B. Evaluate and refine the list by ranking properties that are most suitable for development into an industrial park.</li><li>C. Engage discussions with landowners for acquisition of property.</li><li>D. Seek and apply for federal and state funds to develop property for industrial park purposes.</li></ul>
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**OBJECTIVE #3: Hire an Economic Development Director by December 31, 2012**

<b>STRATEGIES</b>	<ul style="list-style-type: none"><li>A. Include funding in the Fiscal Year 2013 for an Economic Development Director and an operating budget to support said position.</li><li>B. Conduct personnel search for qualified candidates for Economic Development Director.</li><li>C. Select and engage an individual to serve in the position of Economic Development Director.</li></ul>
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*5 year STRATEGIC Plan  
2012 - 2016  
Adopted Aug 27, 2012*

**Create an environment where businesses are welcome and services are available to help them be prosperous.**

**OBJECTIVE #1: Review and revise the zoning ordinance to promote business development by June 30, 2013.**

<b>STRATEGIES</b>	<ul style="list-style-type: none"> <li>A. Complete the Comprehensive Plan Update.</li> <li>B. Review the zoning ordinance for consistency and compliance with the updated Comprehensive Plan.</li> </ul>
-------------------	--

<b>STATUS REPORT</b>	<ul style="list-style-type: none"> <li>A. Planning Commission is in progress of Comp Plan review – draft plan now anticipated in summer/fall 2014.</li> <li>B. In January 2014, staff completed a proposed revision to the County's Zoning Ordinance based upon consistency and compliance with the current Comprehensive Plan which has been moved out for Joint Public Hearing. Said hearing is scheduled for March 11, 2014.</li> </ul>
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**OBJECTIVE #2: Develop an Industrial Park by June 30, 2017**

<b>STRATEGIES</b>	<ul style="list-style-type: none"> <li>A. Develop list of available properties that meet the criteria developed by the Board of Supervisors for an industrial park.</li> <li>B. Evaluate and refine the list by ranking properties that are most suitable for development into an industrial park.</li> <li>C. Engage discussions with landowners for acquisition of property.</li> <li>D. Seek and apply for federal and state funds to develop property for industrial park purposes.</li> </ul>
-------------------	--

<b>STATUS REPORT</b>	<ul style="list-style-type: none"> <li>A. List of potential properties has been compiled. Economic Development Director has reviewed the attributes of potential sites; all proposed sites absent adequate sewer service. Recommend focus on development of existing zoned parcels' infrastructure. Existing industrial park is still vacant with some prospective activity by logistics and marine operations.</li> </ul>
----------------------	--

*minutes of Feb 22, 2014  
5 YEAR STRATEGIC PLAN  
2012-2016  
status Report as of  
Jan. 2014*

**GOAL #2 – ECONOMIC DEVELOPMENT**

Create an environment where businesses are welcome and services are available to help them be prosperous.

*More Language  
Not Filling*

**OBJECTIVE #1:** Review and revise the zoning ordinance to promote business development by June 30, 2013.

**STRATEGIES**

- A. Complete the Comprehensive Plan Update.
- B. Review the zoning ordinance for consistency and compliance with the updated Comprehensive Plan.

**OBJECTIVE #2:** Develop an Industrial Park by June 30, 2017

**STRATEGIES**

- A. Develop list of available properties that meet the criteria developed by the Board of Supervisors for an industrial park.
- B. Evaluate and refine the list by ranking properties that are most suitable for development into an industrial park.
- C. Engage discussions with landowners for acquisition of property.
- D. Seek and apply for federal and state funds to develop property for industrial park purposes.

**OBJECTIVE #4:** Develop Business incentives that can be provided by the County to stimulate business recruitment, selection, location and development by June 30, 2013.

**STRATEGIES**

- A. Develop and propose a Technology Zone for the County which would identify qualifying properties and provide incentives for the location of technology specific businesses within that zone.
- B. Develop and propose a Tourism Zone for the County would identify qualifying properties and provide incentives for the location of tourism specific businesses within that zone.
- C. Review and recommend additional incentives for the Enterprise Zone, relative to permit review and local taxation.
- D. Annually review the County's tax structure and analyze its effectiveness and competitiveness with other similarly sized Virginia localities.

*Reviewed Review  
of Goals & obj text*

*From Minutes of April 8, 2014<sup>28</sup>  
5 year Strategic Plan  
2014-2018  
Reviewed @ Feb 22, 2014 Board Retreat*

OBJECTIVE #1: Review and revise the zoning ordinance to promote business development by January 1, 2015.

*August*

*Sept*

- A. Complete the Comprehensive Plan Update by January 1, 2015. The Planning Commission is scheduled to release the draft comprehensive plan in spring 2015.
- B. Review the zoning ordinance for consistency and compliance with the updated Comprehensive Plan.

OBJECTIVE #2:  
by June 30, 2017

*Identify and promote the use of the aquifer*

Develop an Industrial Park

*in Cape Charles*

- A. Develop list of available properties that meet the criteria developed by the Board of Supervisors for an industrial park.
- B. Evaluate and refine the list by ranking properties that are most suitable for development into an industrial park.
- C. Engage discussions with landowners for acquisition of property.
- D. Seek and apply for federal and state funds to develop property for industrial park purposes.

5 YEAR STRATEGIC PLAN  
2014 - 2018

Adopted April 8, 2014

Updated Status Reports 1/23/2015

With regard to the foregoing motion, all members were present and voted “yes,” with the exceptions of Mr. Hubbard and Mr. Hogg who voted “no.” The motion was passed.

\* \* \* \* \*

(14) Consider acceptance of funds from the Department of Motor Vehicles, received from sales of Animal Friendly license plates, and transmitting same to the Eastern Shore SPCA.

Motion was made by Mr. LeMond, seconded by Mr. Trala, that the Board accept the sum of \$120.00 from the sale of Animal Friendly License Plates and appropriate same to the Eastern Shore SPCA, Inc. All members were present and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that Ms. Katherine H. Nunez be reappointed to the Accomack-Northampton Regional Housing Authority for a new term of office commencing July 1, 2015. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that Mr. Lucius Kellam IV be reappointed to the Board of Appeals for the Building Inspector for a new term of office commencing January 1, 2016. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that Mr. William M. Billy” Moore, Jr. be appointed to the Joint Industrial Development Authority of Northampton County and its Towns, succeeding Mr. William Hughes, who has resigned, for a term of office terminating March 31, 2019. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that Mr. Bill Shockley and

Ms. Carmie Duer be reappointed to the Purchase of Development Rights Committee, with new terms of office commencing January 1, 2016. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hogg, seconded by Mr. Bennett, that Mrs. Sally Richardson be reappointed to the Eastern Shore RC&D Council, for a new term of office commencing January 1, 2016. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hogg, seconded by Mr. LeMond, that Mr. David Kabler be reappointed to the Parks & Recreation Advisory Board for a new term of office commencing January 1, 2016. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. LeMond, that Mr. Thomas Fox be appointed to the Wetlands Board, succeeding Mr. John Chubb, who has resigned, for a term of office terminating on June 30, 2019. All members were present and voted “yes.” The motion was unanimously passed.

Recess

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, December 28, 2015, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, for the regular work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

\_\_\_\_\_CHAIRMAN

\_\_\_\_\_ COUNTY ADMINISTRATOR

**Exhibit 1**

November 2, 2015 Public Hearing Document

Exhibit B:

Collectively known as the March 2015 Consensus Draft and further amended to include those changes tentatively endorsed by the Board of Supervisors on March 30, 2015, June 29, 2015, July 27, 2015, August 24, 2015, and September 28, 2015

Originally referred by Board of Supervisors to Public Hearing January 14, 2014

As Zoning text Amendment 2014-01 and Zoning Map Amendment 2014-01

**NORTHAMPTON COUNTY CODE OF ORDINANCES**  
**TITLE XV: LAND USAGE**  
**CHAPTER 154.1: ZONING**

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DRAFT

## ***ARTICLE I GENERAL PROVISIONS***

### **§154.1-101 PURPOSE OF ZONING ORDINANCES.**

**This Chapter shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of the VA Code § 15.2-2200. To these ends, this chapter shall be designed to give reasonable consideration to each of the following purposes, where applicable: (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities 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, impounding structure failure, panic or other dangers; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (9) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (10) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (11) to provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard. This Chapter may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in the VA Code § 62.1-255.**

### **§154.1-102 AUTHORITY.**

This Chapter, to be cited as the Northampton County Zoning Code or NZC, is enacted by the Board of Supervisors of Northampton County, Virginia, pursuant to authority granted by the provisions of the Virginia Code.

### **§154.1-103 GENERAL CONDITIONS.**

(A) When provisions of this Chapter are adopted or amended, they shall supersede and repeal any conflicting provisions previously adopted.

(B) Whenever this Chapter is at variance with the requirements of any other lawfully adopted county, state, or federal statutes, rules, regulations, or ordinances, the most stringent of the applicable provisions shall govern.

(C) The zoning of any land and / or the granting of any permit or certificate for the use of land, structures, and / or buildings shall not be interpreted as a guarantee or assurance of any kind by Northampton County of the suitability of such land, structures or buildings for development or use.

(D) Should any section or provision of this Chapter be declared by a court to be unconstitutional or invalid, it is the legislative intent of the Board of Supervisors that such decision shall not affect the validity of this Chapter as a whole or any other part thereof other than that part so declared to be unconstitutional or invalid.

(E) This Chapter shall apply to all unincorporated lands, wetlands, islands, dunes and water areas within Northampton County. This Chapter does not apply to the lands, wetlands, islands, dunes and water areas within the corporate limits of incorporated towns except in those incorporated towns which have adopted this Chapter and by resolution requested Northampton County to exercise zoning control over their incorporated area and the Board of Supervisors, by resolution, has accepted such authority.

#### **§154.1-104 ZONING ORDINANCE TEXT AND MAPS ARE UNIFIED DOCUMENT.**

The zoning district classifications identified in §154.1-201 Zoning Districts et seq. and as shown on the Zoning District Map of Northampton County, Virginia, together with the written regulations set forth in this Chapter, shall be considered and interpreted as a single, integrated document, and taken together they shall be known as the Northampton County Zoning Code or NZC.

#### **§154.1-105 ZONING MAP.**

(A) The boundaries of the zoning districts are shown on the official Zoning District Map of Northampton County, Virginia, which together with all notations, amendments, and explanatory matter thereon are hereby made a part of this Chapter. 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.

(B) Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

- (1) Unless otherwise indicated, district boundaries shown follow property lines, the center lines of existing and proposed roads, streets, highways, alleys or railroads and / or the mean low water or center lines, as indicated, of streams, ponds, drainage ditches or other

natural and man-made bodies of water. In the event of change in shorelines, the boundary shall be construed as moving with the actual shoreline.

- (2) Boundaries indicated as parallel to or extensions of features indicated in subsection (B) (1) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (3) If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the size of the scale shown on the official zoning map.
- (4) In case any territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of Northampton County by accretion or by detachment from any municipality or the dissolution thereof, such territory shall automatically be classified in the most restrictive, contiguous district until otherwise classified except in those cases where the incorporated town is under the jurisdiction of this Chapter, in which case the existing zone shall govern.

## ***ARTICLE II ZONING DISTRICTS***

### **§154.1-201 INTENT OF ZONING DISTRICTS.**

Northampton County, pursuant to this Chapter, has classified the territory under its jurisdiction into zoning districts of such number, shape and size deemed best suited to carry out the purposes of this Chapter, and in each zoning district may regulate, restrict, permit, prohibit, and determine the following: (1) The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, flood plain and other specific uses; (2) The size, height, area, bulk, location, erection, reconstruction, alteration, repair, maintenance, razing, or removal of structures; (3) The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; or (4) The excavation or mining of soil or other natural resources.

### **§154.1-202 APPLICATION OF ZONING DISTRICT REGULATIONS.**

(A) The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of land, use, structure or building within such district.

(B) No land shall hereafter be used, occupied, altered or disturbed and no structure or building shall be used, occupied, altered, erected, constructed, re-constructed, moved or removed except in conformity with all of the regulations herein specified for the zoning district in which it is located or is to be located.

(C) No lot shall hereafter be created nor shall any lot existing at the time of enactment of this Chapter be altered, except in conformity with this Chapter, except when a portion of a lot is acquired and / or used for public use.

### **§154.1-203 REGULATION GUIDELINES FOR ESTABLISHED ZONING DISTRICTS.**

Zoning Districts are hereby established in §§154.1-204 –220 and the following guidelines in the subsections (A) through (F) below shall be used in conjunction with §§154.1-204 – 220 to determine density, dimensions, permitted uses and special use permit uses for each established zoning district.

(A) If a use is not listed for a specific zoning district in §§154.1-204 – 220 that use shall not be permitted in that specific zoning district. Provided that, it is not the intention of this Chapter nor shall this Chapter be interpreted to restrict uses that are customarily associated with or incidental to the principal permitted uses of any property.

(B) Density regulations established in §§154.1-204 – 220 shall be applied to principal single-family and multi-family dwelling units.

(C) An accessory structure or building is lawful only if the principal use, structure or building to which it is accessory is permitted within the zoning district and located on the same property, parcel or lot.

(D) If a use is not listed in §§154.1-204 - 220 as a use under any zoning district, the Zoning Administrator shall determine if the unlisted use is sufficiently similar to a listed use to be permitted.

(E) An accessory structure or building shall not be permitted before the establishment of the principal structure or building except as specified in §154.1-404 Accessory Structures and Buildings.

(F) The minimum lot area requirements and density calculations for each zoning district shall be based on the buildable lot area as defined in §154.1-1201 Definitions.

## §154.1-204 CONSERVATION (CNSV).

(A) The primary intent of the Conservation district is to provide for areas with significant environmental sensitivity and land areas set aside by state and federal agencies for conservation purposes. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Improvements which are the subject of site plans. et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
Agriculture - domestic husbandry  
Agriculture - traditional husbandry  
**Agriculture crop production operation**  
~~Agriculture - production of a crop for food, fiber or fuel~~  
**Artist and artisan studio ≤ 1,000 sq. ft.**  
**Aquaculture operation**  
Aquaculture facility  
Basic utilities  
~~Biomass conversion to alternate fuel - small scale~~  
Emergency services  
**Family day home (1-5 people)**  
**Farm stand**  
~~Fishing - finfish and shellfish~~  
**Fishing, commercial**  
Government offices (related to conservation or park use)  
Home occupations  
Hunting, commercial  
Nature tourism  
Park, may include indoor / outdoor recreation

Ponds, agricultural irrigation  
Recreation, outdoor  
Research facility  
**SFD, detached**  
~~SFD detached - double/triple wide manufactured home~~  
**Single-wide mobile home**  
**Silviculture operation**  
Temporary construction office building  
**Temporary emergency housing**  
**Temporary family health care housing**  
Transit stop  
Uses similar to permitted uses  
~~Uses, structures and buildings accessory to permitted uses~~  
**Viticulture operation**  
Wildlife and marine life preservation area  
Wind turbine, small scale and wind mill ≤ 35 ft. in total height

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards For Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Adult day care center  
Child day center  
Civic groups, clubs and organizations  
~~Office, professional or business~~  
~~Recreation and sports, motorized and motor vehicle related~~  
~~Recreation and sports, shooting related~~  
Uses similar to special use permit uses  
**Utility distribution plant or yard**  
Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height

Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height  
Wireless communication facility

Conservation (CNSV)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s) <small>(sfd = single family dwelling)</small>	1 <u>sfd</u> unit / 50 acres
Minimum	
<u>Lot Size</u>	50 acres
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	150 feet
<u>Shoreline Width</u>	250 feet
<u>Shoreline Setback</u>	100 feet
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	200 feet
<u>Rear</u>	100 feet
<u>Side</u>	50 feet
<u>Side</u> – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	200 feet
<u>Rear</u>	20 feet
<u>Side</u>	10 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	200 feet <sup>2</sup>
Maximum Height <sup>3</sup>	
Principal	35 feet
Accessory	25 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from the any <u>property</u> line	15 feet

(C) The dimension and density regulations are shown in the chart below. To determine how dimensions and setbacks shall be measured see definitions NCC 154.1-1201 with respect to “lot” and “setback”. Dimensions may be modified pursuant to §154.1-401, Supplemental and Modification Regulations, et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>2</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>3</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-205 AGRICULTURAL (AG).

- (A) **The primary intent of the Agricultural district is to provide for agricultural and forestry industries. This district also provides for other residential and non-residential uses.** The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
~~Adult day care center~~  
Agricultural business office  
**Agriculture crop production operation**  
Agricultural research facility  
Agriculture - domestic husbandry  
Agriculture - intensive farming  
Agriculture - traditional husbandry  
**Agriculture support business**  
~~Agriculture—production of a crop for food, fiber or fuel~~  
**Animal shelter or pound**  
Artist and artisan studio ≤ 1,000 sq. ft.  
Aquaculture  
Aquaculture facility  
**Aquaculture operation**  
Assisted living facility (more than 12 people)  
Basic utilities  
Bed and breakfast  
~~Biomass conversion to alternate fuel—small scale~~  
Cemetery  
Child day center  
Children's residential facility (more than 12 people)  
Civic groups, clubs and organizations  
College  
Educational services  
Emergency services  
**Family day home (1-5 people)**  
**Family day home (6-12 people)**  
Farm stand  
~~Fishing—finfish and shellfish~~  
**Fishing, commercial**  
~~Floriculture and horticulture~~  
**Floriculture operation**  
Funeral home  
Golf course  
Government offices  
Home occupations  
**Horticulture operation**  
~~Hospital~~  
Hunting, commercial  
~~Inn~~  
Library  
~~Manure storage structures, compost structures and lagoons~~  
Marina  
Medical facility

Meteorological tower  
Migrant labor camp  
Museum  
Nature tourism  
~~Office, professional or business~~  
Park, may include indoor / outdoor recreation  
Ponds, agricultural irrigation  
 ~~kennel or pound~~  
~~Recreation, indoor~~  
Recreation, outdoor  
Recreation, playing field  
~~Recreational vehicle park and camp grounds~~  
Religious institution, place of worship  
**Residential facility (1-8 people)**  
~~Research facility~~  
**Sales, agricultural products and accessory goods**  
~~School, primary or secondary~~  
**Mixed use building, SFD**  
SFD, detached  
~~SFD detached—double / triple wide manufactured home~~  
~~SFD detached—Singlewide mobile manufactured home~~  
~~SFD detached—Temporary emergency housing~~  
~~SFD detached—assisted living facility (1 to 12 people)~~  
~~SFD detached—children's residential facility (1 to 12 people)~~  
~~SFD detached—family day home (1 to 12 children)~~  
~~SFD detached—Temporary family health care housing~~  
**Silviculture operation**  
~~Temporary construction office building~~  
Transit center  
**Transit stop**  
Uses similar to permitted uses  
~~Uses, structures and buildings accessory to permitted uses~~  
Vacation rental home  
Veterinarian business  
**Viticulture operation**  
~~Waste water treatment plant~~  
**Waste collection center, operated by local government**  
Wildlife and marine life preservation area  
Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height  
Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height  
Winery, licensed farm  
Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

**Adult day care center**

Airfield

**Artist and artisan studio > 1,000 sq. ft.**

**Child day center**

**College**

Commercial services

~~Commercial vehicle services~~

Dredge spoil disposal site

**Educational services**

**Event venue**

**Funeral home**

Heliport

**Inn**

**Jail**

**Kennel**

**Library**

Wind energy facilities / wind test facility / wind turbines, large

**Medical facility**

Mining or excavating of soil or other natural resources

**Office, professional or business ≤ 2,500 sq. ft.**

Prison

Recreation and sports, shooting related

**Recreational vehicle park and camp grounds**

**Research facility**

**Residential facility (more than 8 people)**

Recreation and sports, motorized and motor vehicle related

**School, primary or secondary**

**Solar energy facility**

Uses similar to special use permit uses

**Utility distribution plant or yard**

**Waste management**

**Waste related**

**Waste water treatment plant**

scale / wind turbine, utility-scale

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401 Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Agricultural (AG)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s) <small>(sfd = single family dwelling)</small>	1 <u>sfd</u> unit / 20 acres <sup>1</sup>
Minimum	
<u>Lot Size</u>	1 acre <sup>1</sup>
<u>Lot Frontage</u>	50 feet <sup>2</sup>
<u>Lot Width</u>	125 feet
<u>Shoreline Width</u>	<del>125</del> <b>205</b> feet
Minimum <u>Principal Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	60 feet <sup>3</sup>
<u>Rear</u>	25 feet
<u>Side</u>	15 feet
<u>Side</u> – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property lines</u>	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	60 feet
<u>Rear</u>	10 feet
<u>Side</u>	10 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet <sup>3</sup>
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	50 feet <sup>4</sup>
Maximum Height <sup>5</sup>	
<u>Principal</u>	35 feet
<u>Accessory</u>	25 feet
<u>Accessory</u> – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property line</u>	15 feet

<sup>1</sup> Except that in the A zoning district the density shall be 1 sfd unit / 10 acres and the minimum lot size shall be 30,000 sq. ft. when subdivided in compliance with the cluster subdivision regulations in §154.1-203 (D).

<sup>2</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>3</sup> In the AG zoning district the front or U. S. Rt. 13 setback may be reduced to 50 feet for any principal buildings used for commercial or industrial uses when parking and loading are located in the rear of the lot and not located between a building and the right-of-way pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant §154.1-402 Setbacks and Lot Measurements.

<sup>5</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

(D) Cluster subdivision shall be permitted in the Agricultural Zoning District through the subdivision process established in the Chapter 156: Subdivision Code when the following criteria have been met:

- (1) The density of a cluster subdivision, including re-subdivision, shall not exceed 1 single family dwelling unit per 10 acres of buildable lot area within the boundaries of the defined base parcel. A cluster subdivision shall be designed to accommodate 1 single family dwelling unit per lot. A base parcel shall be those parcels and property lines lawfully existing in the public records of the Office of the Clerk of the Circuit Court of Northampton County on the effective date of October 21, 2009. Lots of at least 30,000 square feet in area may be subdivided from the base parcel in a cluster subdivision.
- (2) A cluster subdivision, including re-subdivision, shall provide for at least 85% of the buildable lot area within the boundaries of the defined base parcel to remain in perpetual open space. The area in a cluster subdivision that is used to satisfy required improvements, infrastructure or facility needs including, but not limited to, roads, sidewalks, and storm water management facilities, shall not count toward a cluster subdivision's required open space.
- (3) All property designated as open space shall be so designated in a deed or deed of easement. All such deeds shall include restrictions relating to use and maintenance of the property, which run with the land and shall reference the corresponding record subdivision plat(s). The record subdivision plat shall depict the location and size of open space as well as a complete and accurate listing and description of all buildings and facilities existing on the property and shall reference the corresponding deeds. The County Attorney shall review and verify that the deeds and plats prepared to establish the open space meet the requirements of this section and have been prepared in a manner acceptable for recordation by the Northampton County Clerk. The Subdivision Agent shall not sign the record subdivision plat for a cluster subdivision until such time that these documents are deemed complete by the County Attorney. The Subdivision Agent shall record the record subdivision plat along with the deed(s) establishing the open space in the Office of the Clerk of the Circuit Court of Northampton County.
- (4) A property owner subdividing under the cluster subdivision regulations may subdivide fewer lots from a base parcel than the maximum number of lots permitted under the 1 single family dwelling unit per 10 acres density limit. Any deed or plat establishing a further cluster subdivision of the base parcel shall reference the open space previously dedicated.

## §154.1-206 HAMLET (H).

(A) The primary intent of the Hamlet district is to provide for a mixture of residential and low impact commercial uses. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Accessory dwelling, attached or detached~~  
~~Accessory uses, structures and buildings~~  
~~Agricultural business office~~  
**Agriculture crop production operation**  
~~Agriculture - domestic husbandry~~  
~~Agriculture - production of a crop for food, fiber or fuel~~  
**Artist and artisan studio**  
**Aquaculture operation**  
~~Aquaculture facility~~  
~~Assisted living facility (more than 12 people)~~  
~~Basic utilities~~  
~~Bed and breakfast~~  
~~Biomass conversion to alternate fuel - small scale~~  
~~Cemetery~~  
~~Children's residential facility (more than 12 people)~~  
~~Civic groups, clubs and organizations~~  
**Commercial services < 2,500 sq. ft.**  
~~College~~  
~~Commercial services~~  
~~Educational services~~  
~~Government offices~~  
~~Emergency services~~  
**Family day home (1-5 people)**  
**Family day home (6-12 people)**  
**Farm stand**  
**Fishing, commercial**  
**Floriculture operation**  
~~Fishing - finfish and shellfish~~  
~~Home occupations~~  
**Horticulture operation**  
~~Inn~~  
~~Library~~  
~~Meteorological tower~~  
~~MFD attached~~  
~~MFD attached - specifically as a Mixed use building, MFD~~  
~~Museum~~  
~~Nature tourism~~  
**Office, professional or business < 2,500 sq. ft.**  
~~Office, professional or business~~  
~~Park, may include indoor / outdoor recreation~~  
**Personal services < 2500 sq. ft.**

~~Ponds, agricultural irrigation~~  
~~Recreation, indoor~~  
~~Recreation, outdoor~~  
~~Recreation, playing field~~  
~~Religious institution, place of worship~~  
~~Research facility~~  
~~Restaurant~~  
**Residential facility (1-8 people)**  
**Restaurant with no drive thru < 2,500 sq. ft.**  
~~Retail food and beverage production~~  
~~Sales, retail convenience~~  
**Sales, retail general < 2,500 sq. ft.**  
~~School, primary or secondary~~  
~~SFD, attached~~  
~~SFD attached - assisted living facility (1 to 12 people)~~  
~~SFD attached - children's residential facility (1 to 12 people)~~  
~~SFD attached - family day home (1 to 12 children)~~  
~~SFD attached - Mixed use building, SFD~~  
~~SFD, detached~~  
~~SFD detached - double / triple wide manufactured home~~  
~~SFD detached - Temporary emergency housing~~  
~~SFD detached - assisted living facility (1 to 12 people)~~  
~~SFD detached - children's residential facility (1 to 12 people)~~  
~~SFD detached - family day home (1 to 12 children)~~  
**Single-wide mobile home**  
~~SFD detached - Temporary family health care housing~~  
**Silviculture operation**  
~~Temporary construction office building~~  
~~Transit stop~~  
~~Uses similar to permitted uses~~  
~~Uses, structures and buildings accessory to permitted uses~~  
~~Vacation rental home~~  
**Viticulture operation**  
~~Wildlife and marine life preservation area~~  
~~Wind turbine, small scale and wind mill < 35 ft. in total height~~  
~~Wind turbine, small > 35 ft. and < 120 ft. in total height~~  
~~Winery, licensed farm~~  
~~Wireless communication facility~~

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Adult day care center~~

**Agriculture support business**

**Animal shelter or pound**

College

Commercial services > 2,500 sq. ft.

~~Commercial~~ vehicle services ≤ 2,500 sq. ft.

Educational services

~~Heliport~~

**Medical facility**

~~Kenel or pound~~

**Office, professional or business > 2,500 sq. ft.**

Personal services > 2,500 sq. ft.

Ponds, agricultural irrigation

Recreation, indoor

Child day center

**Recreation, outdoor**

~~Recreation and sports, motorized and motor vehicle related~~

~~Restaurant with drive thru~~

Residential facilities (more than 8 people)

Retail food and beverage production

Research facility

**Sales, retail convenience**

**Sales, retail general >2,500 sq. ft.**

Uses similar to special use permit uses

Utility distribution plant or yard

~~Wind turbine, small scale > 120 ft. and ≤199 ft. in total height~~

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Hamlet (H)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s) (sfd = single family dwelling) (mfd = multi-family dwelling)	2 <u>sfd</u> units / 1 acre 4 <u>mfd</u> units / 1 acre
Minimum	
<u>Lot Size</u>	21,780 sq. ft.
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	60 feet
<u>Shoreline Width</u>	<del>60</del> <b>205</b> feet
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	40 feet or Prevailing <sup>2</sup>
<u>Rear</u>	25 feet
<u>Side</u>	10 feet
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	40 feet
<u>Rear</u>	5 feet
<u>Side</u>	5 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	30 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	35 feet
Accessory	20 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>2</sup>See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-207 VILLAGE (V).

(A) The primary intent of the Village district is to provide for residential uses within a village. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached

Accessory uses, structures and buildings

Adult day care center

**Agriculture crop production operation**

Agriculture - domestic husbandry

~~Agriculture - production of a crop for food, fiber or fuel~~

**Artist and artisan studio**

**Aquaculture operation**

Aquaculture facility

Assisted living facility (more than 12 people)

Basic utilities

Bed and breakfast

~~Biomass conversion to alternate fuel - small scale~~

Cemetery

Child day center

**Educational services**

Children's residential facility (more than 12 people)

Civic groups, clubs and organizations

**Commercial services < 2,500 sq. ft.**

Dredge spoil disposal site

Emergency services

**Family day home (1-5 people)**

**Family day home (6-12 people)**

**Farm stand**

**Fishing, commercial**

Fishing - finfish and shellfish

Floriculture and horticulture

**Floriculture operation**

Government offices

Home occupations

**Horticulture operation**

**Inn**

Library

Meteorological tower

MFD-attached

**Mixed use building, MFD**

Museum

Nature tourism

**Office, professional or business < 2,500 sq. ft.**

Park, may include indoor / outdoor recreation

Personal services < 2500 sq. ft.

Recreation, indoor

Recreation, outdoor

Recreation, playing field

Recreational vehicle park and camp grounds

Religious institution, place of worship

Research facility

**Residential facility (1-8 people)**

Sales, agricultural products and accessory goods

**Sales, retail convenience < 2,500 sq. ft.**

Sales, retail general, < 2500 sq. ft.

**School, primary or secondary**

SFD, attached

~~SFD attached - assisted living facility (1 to 12 people)~~

~~SFD attached - children's residential facility (1 to 12 people)~~

~~SFD attached - family day home (1 to 12 children)~~

**Mixed use building, SFD**

SFD, detached

~~SFD detached - double / triple wide manufactured home~~

~~SFD detached - Temporary emergency housing~~

~~SFD detached - assisted living facility (1 to 12 people)~~

~~SFD detached - children's residential facility (1 to 12 people)~~

~~SFD detached - family day home (1 to 12 children)~~

**Single-wide mobile home**

~~SFD detached - Temporary family health care housing~~

Temporary construction office building

Transit stop

Uses similar to permitted uses

Uses, structures and buildings accessory to permitted uses

Vacation rental home

**Viticulture operation**

Waste water treatment plant

Wildlife and marine life preservation area

Wind turbine, small scale and wind mill <= 35 ft. in total height

Wind turbine, small scale > 120 ft. and <= 199 ft. in total height

Wind turbine, small scale > 35 ft. and <= 120 ft. in total height

**Winery, licensed farm**

Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Biomass conversion to alternate fuel—large scale~~  
~~Funeral Home~~  
**Child day center**  
 Commercial services > 2,500 sq. ft.  
~~Commercial Vehicle services ≤ 2,500 sq. ft.~~  
Dredge spoil disposal site  
Government offices  
~~inn~~  
**Medical facility**

~~Mining or excavating of soil or other natural resources~~  
 Hotel or motel  
Office professional or business > 2,500 sq. ft.  
**Personal services > 2,500 sq. ft.**  
**Recreational vehicle park and camp grounds**  
**Sales, retail general > 2500 sq. ft.**  
 Uses similar to special use permit uses  
**Utility distribution plant or yard**

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Village (V)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s) (sfd = single family dwelling) (mfd = multi-family dwelling)	4 <u>sfd</u> or 4 <u>mfd</u> units / 1 acre
Minimum	
<u>Lot Size</u>	10,890 sq. ft.
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	60 feet
<u>Shoreline Width</u>	<del>60</del> <b>205</b> feet
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	30 feet or Prevailing <sup>2</sup>
<u>Rear</u>	25 feet
<u>Side</u>	5 feet
Side – only for attached principal structures and <u>buildings</u> adjacent to shared <u>property lines</u>	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	30 feet
<u>Rear</u>	8 feet
<u>Side</u>	3 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	30 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	35 feet
Accessory	20 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property line</u>	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>2</sup>See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-208 VILLAGE – COMMERCIAL (V – C).

(A) The primary intent of the Village – Commercial district is to provide for commercial uses within a village. This district also provides for other residential and non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached

Accessory uses, structures and buildings

**Adult day care center**

**Agricultural business office**

**Agriculture support business**

**Artist and artisan studio**

**Aquaculture operation**

Aquaculture facility

Assisted living facility (more than 12 people)

Basic utilities

Bed and breakfast

Biomass conversion to alternate fuel – small scale

Cemetery

Children's residential facility (more than 12 people)

Civic groups, clubs and organizations

College

Commercial services

Educational services

Emergency services

**Family day home (1-5 people)**

**Family day home (6-12 people)**

**Farm stand**

Fishing – finfish and shellfish

**Fishing, commercial**

Funeral home

Government offices

Home occupations

**Industrial services**

Inn

Library

Marina

Medical facility

~~MFD, attached – specifically as a –Mixed use building, MFD~~

~~Motel or hotel~~

~~Motorized and motor vehicle related sports and recreation~~

Museum

Nature tourism

Office, professional or business

Park, may include indoor / outdoor recreation

Personal services

Ponds, agricultural irrigation

Recreation, indoor

Recreation, outdoor

Religious institution, place of worship

Research facility

Restaurant

**Residential facility (1-8 people)**

**Residential facility (more than 8 people)**

**Restaurant with no drive thru < 2,500 sq. ft.**

Retail food and beverage production

Sales, retail bulk

**Sales, wholesale and industrial**

SFD, detached

Sales, retail convenience

Sales, retail general

School, primary or secondary

SFD attached

~~SFD attached – assisted living facility (1 to 12 people)~~

~~SFD attached – children's residential facility (1 to 12 people)~~

~~SFD attached – family day home (1 to 12 children)~~

~~SFD, attached – Mixed use building, SFD~~

~~SFD detached – double / triple wide manufactured home~~

~~SFD detached – Temporary emergency housing~~

~~SFD detached – assisted living facility (1 to 12 people)~~

~~SFD detached – children's residential facility (1 to 12 people)~~

~~SFD detached – family day home (1 to 12 children)~~

~~SFD detached – Temporary family health care housing~~

Temporary construction office

**Transit center**

Transit stop

Uses similar to permitted uses

Uses, structures and buildings accessory to permitted uses

Vacation rental home

Veterinarian business

**Wastewater treatment plant**

Wildlife and marine life preservation area

Wind turbine, small scale and wind mill ≤ 35 ft. in total height

Wind turbine, small scale > 35 ft. and ≤120 ft. in total height

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

**Animal shelter or pound**

**College**

~~Commercial~~ Vehicle services < 2,500 sq. ft.

Dredge spoil disposal site

~~Kennel or pound~~

Hotel or motel

**Ponds, agricultural irrigation**

**Research facility**

**Utility distribution plant or yard**

**Restaurant > 2,500 sq. ft.**

**Restaurant with drive thru**

**Sales, retail bulk**

Uses similar to special use permit uses

Wireless communications facility

Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Village Commercial (V-C)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s)	4 <u>sfd</u> or 4 <u>mfd</u> units / 1 acre
Minimum	
<u>Lot Size</u>	None
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	None
<u>Shoreline Width</u>	None
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	30 feet or Prevailing <sup>2</sup>
<u>Rear</u>	10 feet <sup>3</sup>
<u>Side</u>	8 feet <sup>3</sup>
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
Front	30 feet
Rear	5 feet <sup>3</sup>
Side	3 feet <sup>3</sup>
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	20 feet <sup>4</sup>
Maximum Height <sup>5</sup>	
Principal	35 feet
Accessory	20 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>2</sup> See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> If a lot zoned WW, V-WB, V-C, C or I abut a lot that is zoned WW, V-WB, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>5</sup> See §154.1-403 Height and Bulk for modification and supplemental regulations.

~~§154.1-206 — VILLAGE — WATERFRONT COMMERCIAL (V — WC).~~

~~(A) — The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Site Plan Improvements et seq.~~

~~Accessory dwelling — attached or detached  
Accessory uses, structures or buildings  
Aquaculture  
Aquaculture facility  
Basic utilities  
Bed and breakfast  
Biomass conversion to alternate fuel — small scale  
Cemetery  
Civic groups, clubs and organizations  
Commercial services  
Educational services  
Emergency services  
Fishing — finfish and shellfish  
Government offices  
Home occupations  
Inn  
Library  
Marina  
Museum  
Nature tourism  
Office, professional or business  
Park, may include indoor / outdoor recreation~~

~~Recreation, outdoor  
Religious institution, place of worship  
Research facility  
Restaurant  
Retail food and beverage production  
  
Sales, retail convenience  
Sales, retail general  
School, primary or secondary  
Temporary construction office building  
Transit stop  
Uses similar to permitted uses  
Uses, structures and buildings accessory to permitted uses  
Vacation rental home  
  
Wildlife and marine life preservation area  
Wind turbine, small and wind mills ≤ 35 ft. in total height  
Wind turbine, small > 35 ft. and ≤ 120 ft. in total height  
Wireless communication facilities~~

~~(B) — The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Site Plan Improvements et seq.~~

~~Dredge spoil disposal site  
Uses similar to special use permit uses  
Wind turbine, small > 120 ft. and ≤ 199 ft. in total height~~

(C) — The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake Bay Preservation Areas.

<b>Village Waterfront Commercial(V-WC)</b>	
<b>Maximum Density — Dwelling unit(s) per Acre(s)</b> (sfd = single family dwelling) (mfd = multi-family dwelling)	Not Applicable
<b>Minimum</b>	
— <b>Lot Size</b>	10,890 sq. ft.
— <b>Lot Frontage</b>	50 feet <sup>1</sup>
— <b>Lot Width</b>	None
— <b>Shoreline Width</b>	None
<b>Minimum Principal Structure and Building and Accessory Dwelling Unit Setbacks</b>	
— <b>Front</b>	30 feet or Prevailing <sup>4</sup>
— <b>Rear</b>	10 feet <sup>2</sup>
— <b>Side</b>	8 feet <sup>2</sup>
— <b>Side</b> — only for attached principal structures and buildings adjacent to shared property lines	0 feet
<b>Minimum Accessory Structure and Building Setbacks</b>	
— <b>Front</b>	30 feet
— <b>Rear</b>	5 feet <sup>2</sup>
— <b>Side</b>	3 feet <sup>3</sup>
<b>Minimum Setback from U. S. Route 13. Does Not Include Route 13 Business Routes</b>	100 feet
<b>Minimum Setback From Railroad Rights Of Ways</b>	20 feet <sup>3</sup>
<b>Maximum Height<sup>5</sup></b>	
— <b>Principal</b>	35 feet
— <b>Accessory</b>	20 feet
— <b>Accessory</b> — only for structures and buildings located 15 feet or less from any property line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul de sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-404 Conforming Lot Measurements.

<sup>2</sup> If a lot zoned V-NB, V-C, C or I abut a lot that is zoned V-NB, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet pursuant to §154.1-402 Setbacks.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks.

<sup>4</sup> See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>5</sup> See §154.1-403 Height and Bulk for modification and supplemental regulations.

**§154.1-209 VILLAGE – WATERFRONT BUSINESS (V – WB).**

(A) The primary intent of the Village – Waterfront Business is to provide for commercial uses on or having access to the waterfront within a village. This district also provides for other residential and non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
Artist and artisan studio  
Aquaculture operation  
Basic utilities  
Bed and breakfast  
Civic groups, clubs and organizations  
Commercial services ≤ 2,500 sq. ft.  
Educational services  
Emergency services  
Family day home (1-5 people)  
Family day home (6-12 people)  
Farm stand  
Fishing, commercial  
Government offices  
Home occupations  
Inn  
Marina  
Mixed use building, MFD  
Museum  
Nature tourism  
Office, professional or business ≤ 2,500 sq. ft.  
Park,  
Personal services ≤ 2,500 sq. ft.  
Recreation, indoor

Recreation, outdoor  
Religious institution, place of worship  
Research facility  
Restaurant with no drive thru ≤ 2,500 sq. ft.  
Residential facility (1-8 people)  
Retail food and beverage production  
Sales, retail convenience ≤ 2,500 sq. ft.  
Sales, retail general ≤ 2,500 sq. ft.  
SFD, attached  
Mixed use building, SFD  
SFD, detached  
Temporary emergency housing  
Single-wide mobile home  
Temporary family health care housing  
Temporary construction office  
Transit stop  
Uses similar to permitted uses  
Vacation rental home  
Veterinarian business  
Wildlife and marine life preservation area  
Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
Wireless communication facility  
Working waterfront support uses, structures and buildings

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

College  
Dredge spoil disposal site  
Hotel or motel  
Uses similar to special use permit uses  
Restaurant > 2,500 sq. ft.

Restaurant with drive thru  
Sales, retail general, > 2,500 sq. ft.  
Utility distribution plant or yard  
Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

<b>Village – Waterfront Business (V-WB)</b>	
<b>Maximum Density - Dwelling unit(s) per Acre(s)</b>	<b>4 sfd or 4 mfd units / 1 acre</b>
<b>Minimum</b>	
<b>Lot Size</b>	<b>10,890 sq. ft.</b>
<b>Lot Frontage</b>	<b>50 feet<sup>1</sup></b>
<b>Lot Width</b>	<b>None</b>
<b>Shoreline Width</b>	<b>60 feet</b>
<b>Minimum Principal Structure and Building and Accessory Dwelling Unit Setbacks</b>	
<b>Front</b>	<b>30 feet or Prevailing<sup>2</sup></b>
<b>Rear</b>	<b>10 feet<sup>3</sup></b>
<b>Side</b>	<b>8 feet<sup>3</sup></b>
<b>Side – only for attached principal structures and buildings adjacent to shared property lines</b>	<b>0 feet</b>
<b>Minimum Accessory Structure and Building Setbacks</b>	
<b>Front</b>	<b>30 feet</b>
<b>Rear</b>	<b>5 feet<sup>3</sup></b>
<b>Side</b>	<b>3 feet<sup>3</sup></b>
<b>Minimum Setback from U. S. Route 13. Does Not Include Route 13 Business Routes</b>	<b>N/A</b>
<b>Minimum Setback From Railroad Rights-Of-Ways</b>	<b>N/A<sup>4</sup></b>
<b>Maximum Height<sup>5</sup></b>	
<b>Principal</b>	<b>35 feet</b>
<b>Accessory</b>	<b>20 feet</b>
<b>Accessory – only for structures and buildings located 15 feet or less from any property line</b>	<b>15 feet</b>

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>2</sup> See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> If a lot zoned WW, V-WB, V-C, C or I abut a lot that is zoned WW, V-WB, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>5</sup> See §154.1-403 Height and Bulk for modification and supplemental regulations.

**§154.1-210 WORKING WATERFRONT (WW).**

(A) The intent of the Working Waterfront district is to provide for commercial waterfront uses. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory uses, structures and buildings  
Artist and artisan studio  
Aquaculture operation  
Basic utilities  
Farm stand  
Fishing, commercial  
Marina  
Nature tourism

Temporary construction office ~~building~~  
Transit stop  
Uses similar to permitted uses  
~~Uses, structures and buildings accessory to permitted uses~~  
Wildlife and marine life preservation area  
Working waterfront uses, structures and buildings  
Working waterfront support uses, structures and buildings

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Dredge spoil disposal site  
Government offices  
Museum  
Research facility  
Uses similar to special use permit uses  
Utility distribution plant or yard

Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height  
Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height  
Wireless communication facility

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

<b>Working Waterfront (WW)</b>	
<b>Maximum Density - Dwelling unit(s) per Acre(s)</b> (sfd = single family dwelling) (mfd = multi-family dwelling)	<b>Not Applicable</b>
<b>Minimum</b>	
<b>Lot Size</b>	<b>10,890 sq. ft.</b>
<b>Lot Frontage</b>	<b>50 feet<sup>1</sup></b>
<b>Lot Width</b>	<b>None</b>
<b>Shoreline Width</b>	<b>60 feet</b>
<b>Minimum Principal Structure and Building and Accessory Dwelling Unit Setbacks</b>	
<b>Front</b>	<b>30 feet or Prevailing<sup>2</sup></b>
<b>Rear</b>	<b>10 feet<sup>3</sup></b>
<b>Side</b>	<b>8 feet<sup>3</sup></b>
<b>Side – only for attached principal structures and buildings adjacent to shared property lines</b>	<b>0 feet</b>
<b>Minimum Accessory Structure and Building Setbacks</b>	
<b>Front</b>	<b>30 feet</b>
<b>Rear</b>	<b>5 feet<sup>3</sup></b>
<b>Side</b>	<b>3 feet<sup>3</sup></b>
<b>Minimum Setback from U. S. Route 13. Does Not Include Route 13 Business Routes</b>	<b>N/A</b>
<b>Minimum Setback From Railroad Rights-Of-Ways</b>	<b>N/A<sup>4</sup></b>
<b>Maximum Height<sup>5</sup></b>	
<b>Principal</b>	<b>35 feet</b>
<b>Accessory</b>	<b>20 feet</b>
<b>Accessory – only for structures and buildings located 15 feet or less from any property line</b>	<b>15 feet</b>

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>2</sup> See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> If a lot zoned WW, V-WB, V-C, C or I abut a lot that is zoned WW, V-WB, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>5</sup> See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-211 COTTAGE COMMUNITY (CTCM).

(A) The primary intent of the Cottage Community district is to provide for residential uses on lot with a minimum size of 21,780 square feet and reduced building heights to promote smaller scaled housing types. This district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
~~Adult day care center~~  
**Artist and artisan studio**  
Aquaculture operation  
Aquaculture facility  
Assisted living facility (more than 12 people)  
Basic utilities  
Bed and breakfast  
~~Biomass conversion to alternate fuel—small scale~~  
Cemetery  
Child day center  
Civic groups, clubs and organizations  
Commercial services  
Emergency services  
**Family day home (1-5 people)**  
**Family day home (6-12 people)**  
**Farm stand**  
**Fishing, commercial**  
~~Fishing—finfish and shellfish~~  
Government offices  
Home occupations  
Library  
Marina  
Museum  
Nature tourism  
Park, may include indoor / outdoor recreation  
Personal services  
~~Recreation, indoor~~

~~Recreation, outdoor~~  
~~Recreation, playing field~~  
Religious institution, place of worship  
~~Research facility~~  
~~Restaurant~~  
**Residential facility (1-8 people)**  
**Restaurant with no drive thru ≤ 2,500 sq. ft.**  
~~Sales, retail convenience~~  
SFD, attached  
~~SFD attached—assisted living facility (1 to 12 people)~~  
~~SFD attached—children's residential facility (1 to 12 people)~~  
~~SFD attached—family day home (1 to 12 children)~~  
SFD, detached  
~~SFD detached—double / triple wide manufactured home~~  
~~SFD detached—Temporary emergency housing~~  
~~SFD detached—assisted living facility (1 to 12 people)~~  
~~SFD detached—children's residential facility (1 to 12 people)~~  
~~SFD detached—family day home (1 to 12 children)~~  
**Single-wide mobile home**  
~~SFD detached—Temporary family health care housing~~  
Temporary construction office  
Transit stop  
Uses similar to permitted uses  
~~Uses, structures and buildings accessory to permitted uses~~  
Vacation rental home  
Wildlife and marine life preservation area  
Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
Wind turbine, small > 35 ft. and ≤ 120 ft. in total height

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Adult day care center~~  
~~Commercial vehicle services~~  
Marina  
~~Office, professional or business~~  
Personal services < 2,500 sq. ft.  
Recreation, playing field  
Sales, retail general, < 2,500 sq. ft.  
Utility distribution plant or yard

Uses similar to special use permit uses  
Wind turbine, small > 120 ft. and ≤ 199 ft. in total height  
Wind turbine, small scale > 35 ft. and 120 ft. in total height  
Wireless communication facility

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Cottage Community (CTCM)	
Maximum Density - <u>Dwelling unit(s)</u> per Acre(s) (sfd = <u>single family dwelling</u> )	2 <u>sfd</u> units /1 acre
Minimum	
Lot Size	21,780 sq. ft.
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	90 feet
<u>Shoreline Width</u>	90 feet
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	20 feet or Prevailing <sup>2</sup>
<u>Rear</u>	20 feet
<u>Side</u>	10 feet
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	20 feet
<u>Rear</u>	5 feet
<u>Side</u>	5 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	20 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	25 feet
Accessory	15 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>2</sup>See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-212 COMMERCIAL (C).

(A) **The primary intent of the Commercial district is to provide for commercial uses. This district also provides for other residential and non-residential uses.** The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached

Accessory uses, structures and buildings

Adult day care center

Agricultural business office

Agricultural research facility

**Agriculture support business**

**Animal shelter or pound**

**Artist and artisan studio**

**Aquaculture operation**

Aquaculture facility

Assisted living facility (more than 12 people)

Basic utilities

Bed and breakfast

~~Biomass conversion to alternate fuel—small scale~~

~~Cemetery~~

Child day center

~~Children's residential facility (more than 12 people)~~

Civic groups, clubs and organizations

College

Commercial services

~~Commercial Vehicle services~~

Educational services

Emergency services

**Family day home (1-5 people)**

**Family day home (6-12 people)**

**Farm stand**

~~Fishing—finfish and shellfish~~

**Fishing, commercial**

~~Floriculture and horticulture~~

**Floriculture operation**

Funeral home

**Golf course**

Government offices

~~Heliport~~

Home occupations

**Horticulture operation**

Hospital

~~Industrial services~~

Inn

Library

~~Light manufacturing~~

Marina

Medical facility

~~MFD, attached—specifically as a—Mixed use building, MFD~~

Hotel or motel

Museum

Nature tourism

Office, professional or business

~~Park, may include indoor / outdoor recreation~~

Personal services

~~kennel or pound~~

Recreation, indoor

Recreation, outdoor

Recreational vehicle park and camp grounds

Religious institution, place of worship

~~Research facility~~

**Residential facility (1-8 people)**

**Residential facility (more than 8 people)**

Restaurant

Sales, agricultural products and accessory goods

Retail food and beverage production

Sales, retail bulk

Sales, retail convenience

Sales, retail general

Sales, wholesale and industrial

School, primary or secondary

Self-service storage

~~SFD attached~~

~~SFD attached—assisted living facility (1 to 12 people)~~

~~SFD attached—children's residential facility (1 to 12 people)~~

~~SFD attached—family day home (1 to 12 children)~~

~~SFD, attached—Mixed use building, SFD~~

~~SFD detached~~

~~SFD detached—Temporary emergency housing~~

~~SFD detached—assisted living facility (1 to 12 people)~~

~~SFD detached—children's residential facility (1 to 12 people)~~

~~SFD detached—family day home (1 to 12 children)~~

~~SFD detached—Temporary family health care housing~~

~~Temporary construction office building~~

**Transit center**

Transit stop

Uses similar to permitted uses

~~Uses, structures and buildings accessory to permitted uses~~

Utility distribution plant or yard

Vacation rental home

Veterinarian business

Warehouse, storage and distribution

~~Waste related~~

~~Waste water treatment plant~~

**Wind energy facility / wind energy test facility / wind turbine, large scale / wind turbine, utility-scale**

Wind turbine, small scale and wind mill  $\leq$  35 ft. in total height

~~Wind turbine, small scale  $>$  120 ft. and  $\leq$  199 ft. in total height~~

~~Wind turbine, small scale  $>$  35 ft. and  $\leq$  120 ft. in total height~~

Winery, licensed farm

Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

<b>Airfield</b>	<u>Uses similar to special use permit uses</u>
<b>Event venue</b>	<b>Utility distribution plant or yard</b>
<del>Heavy manufacturing</del>	<b>Waste management</b>
<b>Heliport</b>	<del>Waste related</del>
<b>Industrial services</b>	<b>Sales, flammable materials</b>
<b>Light manufacturing</b>	<del>Commercial Vehicle services</del>
Recreation and sports, motorized and motor vehicle related	<b>Waste water treatment plant</b>
Recreation and sports, shooting related	<b>Wind turbine, small scale &gt; 35 ft. and ≤ 120 ft. in total height</b>
<b>Research facility</b>	

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Commercial (C)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s)	N/A
Minimum	
<u>Lot Size</u>	None
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	None
<u>Shoreline Width</u>	None
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	50 feet
<u>Rear</u>	35 feet <sup>2</sup>
<u>Side</u>	25 feet <sup>2</sup>
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property lines</u>	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	50 feet
<u>Rear</u>	20 feet <sup>2</sup>
<u>Side</u>	15 feet <sup>2</sup>
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	50 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	20 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	35 feet
Accessory	20 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property line</u>	15 feet

Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant §154.1-1201 Definitions.

<sup>2</sup> If a lot zoned WW, V-WB, V-C, C or I abut a lot that is zoned WW, V-WB, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-213 INDUSTRIAL (I).

(A) The primary intent of the Industrial district is to provide for industrial uses. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards For Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory uses, structures or buildings

Agricultural business office

Agricultural research facility

**Agricultural support business**

**Animal shelter or pound**

**Artist and artisan studio**

**Aquaculture operation**

Aquaculture facility

Basic utilities

~~Biomass conversion to alternate fuel—small scale~~

~~Biomass conversion to alternate fuel—large scale~~

Cemetery

Civic groups, clubs and organizations

Commercial services

~~Commercial Vehicle services~~

Dredge spoil disposal site

Educational services

Emergency services

**Fishing, commercial**

**Floriculture operation**

~~Floriculture and horticulture~~

Government offices

Heavy manufacturing

Heliport

**Horticulture operation**

Hospital

Industrial services

Light manufacturing

Meteorological tower

Migrant labor camp

Mining or excavating of soil or other natural resources

Museum

Office, professional or business

~~Park, may include indoor / outdoor recreation~~

~~Personal services~~

~~kennel or pound~~

~~Recreation, indoor~~

~~Recreation, outdoor~~

~~Religious institution, place of worship~~

Research facility

Restaurant

Retail food and beverage production

**Sales, flammable materials**

Sales, retail bulk

Sales, retail convenience

Sales, retail general

Sales, wholesale and industrial

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

Self-service storage

~~Temporary construction office building~~

**Transit center**

Transit stop

~~Uses similar to permitted uses~~

~~Uses, structures and buildings accessory to permitted uses~~

~~Utility distribution plant or yard~~

Warehouse, storage and distribution

~~Waste related~~

**Waste collection center, operated by local government**

~~Waste water treatment plant~~

**Wind energy facility / wind energy test facilities / wind turbine,**

**large scale / wind turbine, utility-scale**

~~Wind turbine, small scale and wind mill ≤ 35 ft. in total height~~

~~Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height~~

~~Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height~~

Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Airfield

**Electricity generation facility**

Event venue

**Heavy manufacturing**

**Heliport**

**Migrant labor camp**

**Mining or excavating of soil or other natural resources**

Utility distribution plant or yard

**Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height**

~~Recreation and sports, motorized and motor vehicle related~~

~~**Religious institution, place of worship**~~

~~**Prison**~~

**Solar energy facility**

~~Uses similar to special use permit uses~~

**Waste management**

~~**Waste related**~~

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Industrial (I)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s)	N/A
Minimum	
<u>Lot Size</u>	none
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	none
<u>Shoreline Width</u>	none
Minimum <u>Principal Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	50 feet <sup>2</sup>
<u>Rear</u>	35 feet <sup>3</sup>
<u>Side</u>	25 feet <sup>3</sup>
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	50 feet
<u>Rear</u>	20 feet <sup>3</sup>
<u>Side</u>	15 feet <sup>3</sup>
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	50 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	20 feet <sup>4</sup>
Maximum Height <sup>5</sup>	
Principal	60 feet
Accessory	40 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>2</sup> In the industrial zoning district, the front setback shall be reduced to 25 feet when structures and buildings are situated on a private road that does not convey and is not planned to convey thru traffic pursuant to §154.1-1201 Definitions.

<sup>3</sup> If a lot zoned WW, V-WB, V-C, C or I abut a lot that is zoned WW, V-WB, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>5</sup> See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-214 RESIDENTIAL (R).

(A) The primary intent of the Residential district is to provide for residential uses on lots with a minimum size of 20,000 square feet. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Accessory dwelling, attached or detached~~  
~~Accessory uses, structures and buildings~~  
~~Agricultural business office~~  
~~Agricultural research facility~~  
~~Agriculture—production of a crop for food, fiber or fuel~~  
**Agriculture crop production operation**  
**Artist and artisan studio**  
~~Aquaculture~~  
~~Aquaculture facility~~  
~~Basic utilities~~  
~~Bed and breakfast~~  
~~Biomass conversion to alternate fuel—small scale~~  
~~Cemetery~~  
~~Children's residential facility (more than 12 people)~~  
~~Civic groups, clubs and organizations~~  
~~Educational services~~  
~~Emergency services~~  
**Family day home (1-5 people)**  
**Family day home (6-12 people)**  
**Farm stand**  
~~Floriculture and horticulture~~  
**Floriculture operation**  
~~Government offices~~  
~~Home occupations~~  
**Horticulture operation**  
~~Library~~  
**MFD**  
~~MFD attached—specifically as a Mixed use building, MFD~~  
~~Park, may include indoor/outdoor recreation~~  
~~Personal services~~

~~Recreation, indoor~~  
~~Recreation, outdoor~~  
~~Recreation, playing field~~  
~~Religious institution, place of worship~~  
~~Research facility~~  
**Residential facility (1-8 people)**  
~~Sales, agricultural products and accessory goods~~  
~~SFD, attached~~  
~~SFD attached—assisted living facility (1 to 12 people)~~  
~~SFD attached—children's residential facility (1 to 12 people)~~  
~~SFD attached—family day home (1 to 12 children)~~  
~~SFD attached—Mixed use building, SFD~~  
~~SFD, detached~~  
~~SFD detached—double/triple wide manufactured home~~  
~~SFD detached—Temporary emergency housing~~  
~~SFD detached—assisted living facility (1 to 12 people)~~  
~~SFD detached—children's residential facility (1 to 12 people)~~  
~~SFD detached—family day home (1 to 12 children)~~  
~~SFD detached—Temporary family health care housing~~  
**Silviculture operation**  
~~Temporary construction office building~~  
~~Transit stop~~  
~~Uses similar to permitted uses~~  
~~Uses, structures and buildings accessory to permitted uses~~  
~~Vacation rental home~~  
**Viticulture operation**  
~~Wildlife and marine life preservation area~~  
~~Wind turbine, small scale and wind mill ≤ 35 ft. in total height~~  
~~Wind turbine, small > 35 ft. and ≤ 120 ft. in total height~~  
~~Wireless communication facility~~

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Airfield~~  
~~Heliport~~  
~~Nature tourism~~  
**Recreation, indoor**  
**Recreation, outdoor**  
**Recreation, playing field**

**Residential facility (more than 8 people)**  
**Single-wide mobile home**  
~~Uses similar to special use permit uses~~  
**Utility distribution plant or yard**  
**Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height**  
~~Wind turbine, small > 120 ft. and ≤ 199 ft. in total height~~

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Residential (R)	
Maximum <u>Density - Dwelling unit(s)</u> per Acre(s) (sfd = <u>single family dwelling</u> ) (mfd = <u>multi-family dwelling</u> )	1 <u>sfd</u> or 1 <u>mfd</u> unit / 20,000 sq. ft.
Minimum	
<u>Lot Size</u>	20,000 square feet
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	100 feet
<u>Shoreline Width</u>	<del>100</del> 205 feet
Minimum <u>Principal Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	60 feet or Prevailing <sup>2</sup>
<u>Rear</u>	35 feet
<u>Side</u>	15 feet
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	60 feet
<u>Rear</u>	6 feet
<u>Side</u>	6 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	50 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	35 feet
Accessory	25 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>2</sup> See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup> See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-215 RESIDENTIAL – 1 (R – 1).

(A) The primary intent of the Residential – 1 district is to provide for residential uses on lots with a minimum size of 1 acre. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Accessory dwelling, attached or detached~~  
~~Accessory uses, structures and buildings~~  
~~Agricultural business office~~  
~~Agricultural research facility~~  
~~Agriculture—production of a crop for food, fiber or fuel~~  
**Agriculture crop production operation**  
**Artist and artisan studio**  
~~Aquaculture~~  
~~Aquaculture facility~~  
~~Assisted living facility (more than 12 people)~~  
Basic utilities  
Bed and breakfast  
~~Biomass conversion to alternate fuel—small scale~~  
~~Cemetery~~  
~~Children's residential facility (more than 12 people)~~  
~~Civic groups, clubs and organizations~~  
~~Educational services~~  
~~Emergency services~~  
**Family day home (1-5 people)**  
**Family day home (6-12 people)**  
**Farm stand**  
~~Floriculture and horticulture~~  
**Floriculture operation**  
~~Government offices~~  
~~Home occupations~~  
**Horticulture operation**  
~~Library~~  
**MFD**  
~~MFD attached—specifically as a Mixed use building, MFD~~  
~~Park, may include indoor / outdoor recreation~~  
~~Personal services~~  
~~Recreation, indoor~~

~~Recreation, outdoor~~  
~~Recreation, playing field~~  
~~Religious institution, place of worship~~  
~~Research facility~~  
**Residential facility (1-8 people)**  
~~Sales, agricultural products and accessory goods~~  
SFD, attached  
~~SFD attached—assisted living facility (1 to 12 people)~~  
~~SFD attached—children's residential facility (1 to 12 people)~~  
~~SFD attached—family day home (1 to 12 children)~~  
~~SFD attached—Mixed use building, SFD~~  
SFD, detached  
~~SFD detached—double / triple wide manufactured home~~  
~~SFD detached—Temporary emergency housing~~  
~~SFD detached—assisted living facility (1 to 12 people)~~  
~~SFD detached—children's residential facility (1 to 12 people)~~  
~~SFD detached—family day home (1 to 12 children)~~  
~~SFD detached—Temporary family health care housing~~  
**Silviculture operation**  
~~Temporary construction office building~~  
~~Transit stop~~  
~~Uses similar to permitted uses~~  
~~Uses, structures and buildings accessory to permitted uses~~  
~~Vacation rental home~~  
**Viticulture operation**  
~~Wildlife and marine life preservation area~~  
~~Wind turbine, small scale and wind mill ≤ 35 ft. in total height~~  
~~Wind turbine, small > 35 ft. and ≤ 120 ft. in total height~~  
~~Winery—licensed farm wineries~~  
~~Wireless communication facility~~

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for et seq.

~~Heliport~~  
~~Nature tourism~~  
**Recreation, indoor**  
**Recreation, outdoor**  
**Recreation, playing field**  
**Residential facility (more than 8 people)**

**Single-wide mobile home**  
~~Uses similar to special use permit uses~~  
**Wildlife and marine life preservation area**  
**Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height**  
**Wind turbine small > 120 ft. and ≤ 199 ft. in total height**

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as

provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Residential-1 (R-1)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s) <small>(sfd = single family dwelling) (mfd = multi-family dwelling)</small>	1 <u>sfd</u> or 1 <u>mfd</u> unit / 1 acre
Minimum	
<u>Lot Size</u>	1 acre
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	90 feet
<u>Shoreline Width</u>	<del>90</del> <b>205</b> feet
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	60 feet or Prevailing <sup>2</sup>
<u>Rear</u>	35 feet
<u>Side</u>	15 feet
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	60 feet
<u>Rear</u>	3 feet
<u>Side</u>	3 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	50 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	35 feet
Accessory	25 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>2</sup>See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-216 RESIDENTIAL – 3 (R – 3).

(A) The primary intent of the Residential – 3 district is to provide for residential uses on lots with a minimum size of 3 acres. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Accessory dwelling, attached or detached~~  
~~Accessory uses, structures and buildings~~  
~~Adult day care center~~  
~~Agricultural business office~~  
~~Agricultural research facility~~  
**Agriculture crop production operation**  
**Agriculture - domestic husbandry**  
~~Agriculture – production of a crop for food, fiber or fuel~~  
**Artist and artisan studio**  
**Aquaculture operation**  
~~Aquaculture facility~~  
~~Assisted living facility (more than 12 people)~~  
~~Basic utilities~~  
~~Bed and breakfast~~  
~~Biomass conversion to alternate fuel – small scale~~  
~~Cemetery~~  
~~Children's residential facility (more than 12 people)~~  
~~Civic groups, clubs and organizations~~  
~~Educational services~~  
~~Emergency services~~  
**Family day home (1-5 people)**  
**Family day home (6-12 people)**  
**Farm stand**  
**Fishing, commercial**  
~~Floriculture and horticulture~~  
**Floriculture operation**  
~~Government offices~~  
~~Home occupations~~  
**Horticulture operation**  
~~Library~~  
~~MFD attached – specifically as a Mixed use building, MFD~~  
~~Park, may include indoor / outdoor recreation~~  
~~Personal services~~

~~Recreation, indoor~~  
~~Recreation, outdoor~~  
~~Recreation, playing field~~  
~~Religious institution, place of worship~~  
~~Research facility~~  
**Residential facility (1-8 people)**  
~~Sales, agricultural products and accessory goods~~  
~~SFD, attached~~  
~~SFD attached – assisted living facility (1 to 12 people)~~  
~~SFD attached – children's residential facility (1 to 12 people)~~  
~~SFD attached – family day home (1 to 12 children)~~  
~~SFD attached – Mixed use building, SFD~~  
~~SFD, detached~~  
~~SFD detached – double / triple wide manufactured home~~  
~~SFD detached – Temporary emergency housing~~  
~~SFD detached – assisted living facility (1 to 12 people)~~  
~~SFD detached – children's residential facility (1 to 12 people)~~  
~~SFD detached – family day home (1 to 12 children)~~  
~~SFD detached – Temporary family health care housing~~  
**Silviculture operation**  
~~Temporary construction office building~~  
~~Transit stop~~  
~~Uses similar to permitted uses~~  
~~Uses, structures and buildings accessory to permitted uses~~  
~~Vacation rental home~~  
**Viticulture operation**  
~~Wildlife and marine life preservation area~~  
~~Wind turbine, small scale and wind mill ≤ 35 ft. in total height~~  
~~Wind turbine, small > 35 ft. and ≤ 120 ft. in total height~~  
~~Winery, licensed farm~~  
~~Wireless communication facility~~

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

~~Agriculture – domestic husbandry~~  
~~Agriculture - traditional husbandry~~  
~~Airfield~~  
~~Heliport~~  
~~Meteorological tower~~  
**Nature tourism**  
**Recreation, indoor**  
**Recreation, outdoor**

**Recreation, playing field**  
~~Recreation and sports, motorized and motor vehicle related~~  
~~Recreation and sports, shooting related~~  
**Residential facility (more than 8 people)**  
**Single-wide mobile home**  
~~Uses similar to special use permit uses~~  
~~Wind turbine, small > 120 ft. and 199 ft. in total height~~

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Residential-3 (R-3)	
Maximum <u>Density - Dwelling unit(s) per Acre(s)</u> (sfd = single family dwelling) (mfd = multi-family dwelling)	1 <u>sfd</u> or 1 <u>mfd</u> unit / 3 acres
Minimum	
<u>Lot Size</u>	3 acres
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	115 feet
<u>Shoreline Width</u>	<del>115</del> 205 feet
Minimum <u>Principal Structure and Building and Accessory Dwelling Unit Setbacks</u>	
<u>Front</u>	60 feet or Prevailing <sup>2</sup>
<u>Rear</u>	45 feet
<u>Side</u>	15 feet
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure and Building Setbacks</u>	
<u>Front</u>	60 feet
<u>Rear</u>	6 feet
<u>Side</u>	6 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	50 feet <sup>3</sup>
Maximum Height <sup>4</sup>	
Principal	35 feet
Accessory	25 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>2</sup>See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-217 RESIDENTIAL – 5 (R –5).

(A) The primary intent of the Residential – 5 district is to provide for residential uses on lots with a minimum size of 5 acres. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
Adult day care center  
Agricultural business office  
Agricultural research facility  
**Agriculture crop production operation**  
Agriculture - domestic husbandry  
Agriculture - traditional husbandry  
Agriculture – production of a crop for food, fiber or fuel  
**Artist and artisan studio**  
**Aquaculture operation**  
Aquaculture facility  
Assisted living facility (more than 12 people)  
Basic utilities  
Bed and breakfast  
Biomass conversion to alternate fuel – small scale  
Cemetery  
Child day center  
Children's residential facility (more than 12 people)  
Civic groups, clubs and organizations  
Educational services  
Emergency services  
**Family day home (1-5 people)**  
**Family day home (6-12 people)**  
**Farm stand**  
**Fishing, commercial**  
Fishing – finfish and shellfish  
Floriculture and horticulture  
**Floriculture operation**  
Government offices  
Home occupations  
**Horticulture operation**  
Hunting, commercial  
Library  
Meteorological tower  
MFD attached – specifically as a Mixed use building, MFD  
Nature tourism

Park, may include indoor / outdoor recreation  
Personal services  
Ponds, agricultural irrigation  
Recreation, indoor  
Recreation, outdoor  
Recreation, playing field  
Religious institution, place of worship  
**Residential facility (1-8 people)**  
Research facility  
Sales, agricultural products and accessory goods  
SFD, attached  
SFD attached – assisted living facility (1 to 12 people)  
SFD attached – children's residential facility (1 to 12 people)  
SFD attached – family day home (1 to 12 children)  
SFD attached – Mixed use building, SFD  
SFD, detached  
SFD detached – double / triple wide manufactured home  
**Single-wide mobile home**  
SFD detached – Temporary emergency housing  
SFD detached – assisted living facility (1 to 12 people)  
SFD detached – children's residential facility (1 to 12 people)  
SFD detached – family day home (1 to 12 children)  
SFD detached – Temporary family health care housing  
**Silviculture operation**  
Temporary construction office building  
Transit stop  
Uses similar to permitted uses  
Uses, structures and buildings accessory to permitted uses  
Vacation rental home  
**Viticulture operation**  
Wildlife and marine life preservation area  
Wind turbine, small scale and wind mill ≤ 35 ft. in total height  
Wind turbine, small > 35 ft. and ≤ 120 ft. in total height  
Winery, licensed farm  
Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Airfield  
**Golf course**  
Heliport  
Mining or excavating of soil or other natural resources  
**Ponds, agricultural irrigation**  
Recreation and sports, motorized and motor vehicle related  
Recreation and sports, shooting related  
**Recreation, indoor**

**Recreation, outdoor**  
**Recreation, playing field**  
**Residential facility (more than 8 people)**  
Uses similar to special use permit use  
**Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height**  
**Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height**

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be codified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Residential-5 (R-5)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s) (sfd = <u>single family dwelling</u> ) (mfd = <u>multi-family dwelling</u> )	1 <u>sfd</u> or 1 <u>mfd</u> unit / 5 acres
<b>Minimum</b>	
<u>Lot Size</u>	5 acres
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	125 feet
<u>Shoreline Width</u>	<del>125</del> 205 feet
<b>Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u></b>	
<u>Front</u>	80 feet or Prevailing <sup>2</sup>
<u>Rear</u>	35 feet
<u>Side</u>	25 feet
<u>Side</u> – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
<b>Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u></b>	
<u>Front</u>	80 feet
<u>Rear</u>	6 feet
<u>Side</u>	10 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	50 feet <sup>3</sup>
<b>Maximum Height<sup>4</sup></b>	
Principal	35 feet
Accessory	25 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-1201 Definitions.

<sup>2</sup> See §154.1-402 Setbacks and Lot Measurements for prevailing setback standards.

<sup>3</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>4</sup> See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-218 RESIDENTIAL MIXED (RM).

(A) The primary intent of the Residential Mix district is to provide for a mixture of residential uses on lots with a minimum size of 20,000 square feet to promote of mixture of single-family and multi-family housing types. The district also provides for other non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached

Accessory uses, structures and buildings

Adult day care center

Assisted living facility (more than 12 people)

Basic utilities

Bed and breakfast

Biomass conversion to alternate fuel—small scale

Cemetery

Children's residential facility (more than 12 people)

Civic groups, clubs and organizations

Educational services

Emergency services

**Family day home (1-5 people)**

**Family day home (6-12 people)**

**Farm stand**

**Floriculture operation**

Government offices

Home occupations

**Horticulture operation**

Library

MFD attached

MFD attached—specifically as a [Mixed use building, MFD](#)

**Office, professional or business ≤ 2,500 sq. ft.**

Park, may include indoor / outdoor recreation

Personal services

Recreation, indoor

Recreation, outdoor

Recreation, playing field

Religious institution, place of worship

Research facility

**Residential facility (1-8 people)**

**School, primary or secondary**

SFD, attached

~~SFD attached—assisted living facility (1 to 12 people)~~

~~SFD attached—children's residential facility (1 to 12 people)~~

~~SFD attached—family day home (1 to 12 children)~~

~~SFD attached—Mixed use building, SFD~~

SFD, detached

~~SFD detached—[double / triple wide manufactured home](#)~~

~~SFD detached—Temporary emergency housing~~

~~SFD detached—assisted living facility (1 to 12 people)~~

~~SFD detached—children's residential facility (1 to 12 people)~~

~~SFD detached—family day home (1 to 12 children)~~

~~SFD detached—Temporary family health care housing~~

Temporary construction office building

Transit stop

Uses similar to permitted uses

Uses, structures and buildings accessory to permitted uses

Vacation rental home

**Viticulture operation**

Wildlife and marine life preservation area

Wind turbine, small scale and wind mill ≤ 35 ft. in total height

Wind turbine, small > 35 ft. and ≤ 120 ft. in total height

**Winery, licensed farm**

Wireless communication facility

(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

**Child day center**

**Recreation, indoor**

**Recreation, outdoor**

**[Residential facility \(more than 8 people\)](#)**

**Single-wide mobile home**

**[Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height](#)**

**[Wind turbine, small > 120 ft. and ≤ 199 ft. in total height](#)**

Uses similar to special use permit uses

(C) The dimension and density regulations are shown in the chart below. Dimensions shall be measured as defined and setbacks are measured from property lines unless otherwise specified in §154.1-1201 Definitions. Dimensions may be modified as provided in §154.1-401, Supplemental and Modification Regulations et seq. The resource protection area buffer shall serve as and supersede all setbacks and shall be modified as provided in NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP).

Residential Mixed (RM)	
Maximum <u>Density</u> - <u>Dwelling unit(s)</u> per Acre(s) (sfd = single family dwelling) (mfd = multi-family dwelling)	1 <u>sfd</u> unit / 20,000 sq. ft. 1 <u>mfd</u> unit / 10,000 sq. ft.
Minimum	
<u>Lot Size</u>	20,000 square feet
<u>Lot Frontage</u>	50 feet <sup>1</sup>
<u>Lot Width</u>	90 feet
<u>Shoreline Width</u>	<del>90</del> <b>205</b> feet
Minimum Principal <u>Structure</u> and <u>Building</u> and <u>Accessory Dwelling Unit</u> <u>Setbacks</u>	
<u>Front</u>	60 feet
<u>Rear</u>	25 feet
<u>Side</u>	10 feet
Side – only for attached principal <u>structures</u> and <u>buildings</u> adjacent to shared <u>property</u> lines	0 feet
Minimum <u>Accessory Structure</u> and <u>Building</u> <u>Setbacks</u>	
<u>Front</u>	60 feet
<u>Rear</u>	3 feet
<u>Side</u>	3 feet
Minimum <u>Setback</u> from U. S. Route 13. Does Not Include Route 13 Business Routes	100 feet
Minimum <u>Setback</u> From Railroad Rights-Of-Ways	30 feet <sup>2</sup>
Maximum Height <sup>3</sup>	
Principal	35 feet
Accessory	20 feet
Accessory – only for <u>structures</u> and <u>buildings</u> located 15 feet or less from any <u>property</u> line	15 feet

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>2</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>3</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

**§154.1-219 TOWN EDGE (TE)**

(A) The primary intent of the Town Edge district is to provide potential development areas adjacent to incorporated towns which may, in the future, be served by extensions of public water and sewer services from the towns. Growth and increased development are intended to occur simultaneously with the provision of public infrastructure, including, but not limited to, public sewer and water, to support such growth and development. The town edge district is intended to be a more intense use than agriculture but less intense than existing towns uses. The district promotes cooperation between the respective towns and the County in development. The following uses are permitted subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et. seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

Accessory dwelling, attached or detached  
Accessory uses, structures and buildings  
Agricultural business office  
Agriculture crop production operation  
Agriculture – domestic husbandry  
Agriculture – traditional husbandry  
Artist and artisan studio ≤ 1,000 sq. ft.  
Aquaculture operation  
Basic Utilities  
Bed and breakfast  
Civic groups, clubs and organizations  
Emergency services  
Family day home (1-5 people)  
Family day home (6-12 people)  
Farm Stand  
Floriculture operations  
Government offices  
Home occupations  
Horticulture operations  
Meteorological tower  
Mixed use building, SFD  
Recreation, playing field  
Religious institution, place of worship  
Residential facility (1-8 people)  
SFD, detached  
Singlewide mobile home  
Temporary emergency housing  
Silviculture operation  
Temporary construction office  
Uses similar to permitted uses  
Veterinarian business  
Viticulture operation  
Waste collection center, operated by local government  
Wind turbine, small scale and wind mill 35 ft. total height  
Winery, licensed farm

**(B) The following uses require the issuance of a special use permit and are subject to the regulations of this Chapter and more specifically: §154.1-101 General Provisions et seq., §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., §154.1-401 Supplemental and Modification Regulations et seq., §154.1-501 Administration and Procedures et seq., and §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.**

Agriculture support business

Fishing commercial

Wireless communication facility

<b>TOWN EDGE</b>	
<b>Maximum Density - Dwelling unit(s) per Acre(s)</b> <small>(sfd = single family dwelling)</small>	<b>1 sfd unit / 1 acre</b>
<b>Minimum</b>	
<b>Lot Size</b>	<b>1 acre</b>
<b>Lot Frontage</b>	<b>125 feet<sup>1</sup></b>
<b>Lot Width</b>	<b>125 feet</b>
<b>Shoreline Width</b>	<b>Not Applicable</b>
<b>Minimum Principal Structure and Building and Accessory Dwelling Unit Setbacks</b>	
<b>Front</b>	<b>100 feet</b>
<b>Rear</b>	<b>50 feet</b>
<b>Side</b>	<b>25 feet</b>
<b>Side – only for attached principal structures and buildings adjacent to shared property lines</b>	<b>0 feet</b>
<b>Minimum Accessory Structure and Building Setbacks</b>	
<b>Front</b>	<b>60 feet</b>
<b>Rear</b>	<b>10 feet</b>
<b>Side</b>	<b>10 feet</b>
<b>Minimum Setback from U. S. Route 13. Does Not Include Route 13 Business Routes</b>	<b>100 feet</b>
<b>Minimum Setback From Railroad Rights-Of-Ways</b>	<b>50 feet<sup>2</sup></b>
<b>Maximum Height<sup>3</sup></b>	
<b>Principal</b>	<b>35 feet</b>
<b>Accessory</b>	<b>25 feet</b>
<b>Accessory – only for structures and buildings located 15 feet or less from any property line</b>	<b>15 feet</b>

<sup>1</sup> Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot pursuant to §154.1-402 Setbacks and Lot Measurements.

<sup>2</sup> In any zoning district the setback for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, the minimum setback from a railroad right-of-way shall be reduced to 0 feet pursuant §154.1-402 Setbacks and Lot Measurements.

<sup>3</sup>See §154.1-403 Height and Bulk for modification and supplemental regulations.

## §154.1-220 BAYVIEW PUD

The one existing Planned Unit Development in the County, known as the Bayview Citizens for Social Justice, will be renamed “Bayview PUD”, with all of its unique attributes as created by vote of the Board of Supervisors on August 11, 1999, pursuant to Zoning Map Petition 99-10.

### ~~§154.1-219 — PLANNED UNIT DEVELOPMENT AND MIXED USE DEVELOPMENT ZONING DISTRICTS (PUD).~~

~~(A) — The Board of Supervisors by zoning map and text amendment may approve areas and districts designated for planned unit developments or mixed use developments. Regulations established through the approval of a planned unit development or mixed use development zoning district by the Board of Supervisors shall have the following characteristics:~~

- ~~(1) — Each planned unit development or mixed use development zoning district shall be established for the purpose of approving a specific comprehensive agricultural, residential, commercial, industrial or mixed use development plan as an integral unit within the development goals in the Comprehensive Plan;~~
- ~~(2) — The application for approval of a planned unit development or mixed use development zoning district shall be accompanied by a site plan of the proposed development, together with any special conditions to be proffered, and an application for an owner initiated zoning map amendment as provided in NCC §154.1-505, Zoning Map Amendment.~~

~~(B) — Planned unit development or mixed use development zoning districts must be approved with an overall site plan. Within such developments, the locations of all residential, nonresidential and governmental uses, including parks, playgrounds, recreation areas and other open spaces shall be planned in an orderly relationship to one another.~~

~~(C) — The land use, housing types, building types, minimum lot requirements, minimum setbacks, accessory uses and signs approved for a specific planned unit development or mixed use development zoning district shall be determined by the requirements and procedures set forth through the zoning map amendment process and adopted by the Board of Supervisors.~~

~~(D) — Once a planned unit development or mixed use development zoning district has been established by the Board of Supervisors, the regulations adopted in conjunction with such project application shall control its use and development and become a part of NZC.~~

Va. Code §§15.2-2201, 2286.

## **ARTICLE III DESIGN AND PERFORMANCE STANDARDS FOR SPECIFIC USES, STRUCTURES AND BUILDINGS**

### **§154.1-301 GENERAL.**

Any establishment, construction, re-construction, alteration, modification or enlargement of the specific uses, structures or buildings permitted by this Chapter or permitted by the granting of a special use permit, shall be constructed in compliance with the design standards and planned, operated and maintained in compliance with the performance standards established in the sections below.

### **§154.1-302 TEMPORARY CONSTRUCTION OFFICES.**

Temporary construction offices may include structures, buildings, vehicles, manufactured industrial units, recreational vehicles and other highway vehicles which may be erected or placed on a construction site in all districts as an accessory use if such structures, buildings or vehicles are incidental and reasonably necessary to the construction work on the premises and shall not be used as a dwelling. Such temporary construction offices 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 when the building permit expires or is revoked such temporary structures, buildings or vehicles shall be removed immediately.

### **§154.1-303 TEMPORARY EMERGENCY HOUSING.**

If an occupied single-family dwelling of any type in any district shall burn, flood or be otherwise damaged or destroyed by any cause to a degree so as to make it unsafe or unhealthy for human occupancy, nothing in this Chapter shall prohibit the temporary placement of a single-wide mobile home on the property 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 Zoning Administrator, and the single-wide mobile home is provided with a water supply and sewage disposal system approved by the Virginia Department of Health. The single-wide mobile home shall be removed from the site when the damaged dwelling is repaired or replaced or within 12 months, whichever shall come first, except that the Zoning Administrator may grant, for good cause shown, an extension not to exceed an additional 12 months.

### **§154.1-304 TEMPORARY FAMILY HEALTH CARE HOUSING.**

Temporary family health care housing shall be permitted in accordance with the following provisions:

- (A) Temporary family health care structure means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Va. Code §63.2-2200, as certified in writing by a physician licensed in Virginia; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law, Va. Code §36-70 et seq. and the Virginia Uniform Statewide Building Code, Va. Code §36-97 et seq. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
- (B) Such housing shall be located on property owned or occupied by the caregiver as his / her residence in any zoning district that permits single-family detached dwellings as a use.
- (C) Such housing is temporary and shall be permitted in addition to an accessory dwelling that may be permitted and not subject to the maximum density regulations in the zoning district in which it is located.
- (D) Such housing shall comply with all setback requirements that apply to principal structures and buildings.
- (E) Only 1 temporary family health care housing unit shall be allowed on a lot or parcel of land.
- (F) The applicant shall provide evidence of compliance on an annual basis to the Zoning Administrator as long as the housing remains on the property.
- (G) The permit fee for such housing shall be as established by the Board of Supervisors and shall not exceed \$100.00.
- (H) Temporary family health care housing shall be required to connect to any water, sewage and electrical utilities serving the principal structure and shall comply with all applicable requirements of the Virginia Department of Health.
- (I) No signage will be allowed on the temporary family health care housing or elsewhere on the property except as provided in NCC §§154.1-701 et seq., Signs.
- (J) Temporary family health care housing shall be removed within 60 days once the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance as described within this subsection.
- (K) The Zoning Administrator may revoke the permit granted to a resident if the permit holder violates any provision of this section.

**§154.1-305 HOME OCCUPATIONS.**

(A) Home occupations offering the direct sales of products, goods and services produced from a home business or office shall be permitted on premises when conducted in an owner- or renter-occupied dwelling or structure(s) accessory to an owner- or renter-occupied dwelling provided that the following criteria are met:

- (1) Use of the dwelling or accessory structure(s) for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- (2) There shall be no change in the outside appearance of the dwelling, accessory structure(s) or premises, other than the signage as provided below, or any visible or audible evidence of the conduct of such home occupation from any right-of-way or adjacent property unless provided for in this section;
- (3) No equipment or process shall be used which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses from an adjacent property;
- (4) No equipment or process shall be used which creates visual or audible interference in any communication signals or causes fluctuations in live voltage affecting an adjacent property;
- (5) Parking and loading needs generated by such home occupation shall be met on the subject lot or parcel;
- (6) Traffic generated specifically in conjunction with the home occupation shall not exceed more than four vehicles on the subject lot or parcel at any time or may not exceed restrictions placed on the traffic by the Virginia Department of Transportation, which ever restrictions are more stringent;
- (7) Signs shall be placed in accordance with §§154.1-701 et seq. Signs; and
- (8) The home occupation may only employ residents of the dwelling and one full-time employee, or one full-time equivalent, who is not a resident of the dwelling.

(B) A zoning clearance shall be required as specified in §154.1-503 Zoning Clearance.

**§154.1-306 UNIFIED PLAN OF DEVELOPMENT REQUIRED.**

(A) The developer shall submit a unified plan of development for commercial and industrial

developments, when:

- (1) Any portion of the development is within 500 feet of U. S Route 13 (Lankford Highway), Business Route U. S. 13 and State Route 184 (Stone Road); or
- (2) The development includes multiple businesses; or
- (3) The development will be located on more than one lot or parcel.

(B) The unified plan of development shall coordinate the sharing of services, infrastructure and improvements including, but not limited to, access, traffic signalization, signage, parking, landscaping, stormwater facilities, trash removal, lighting, pedestrian circulation, vehicular circulation, loading areas, water, sewage and utilities.

(C) An application for approval of a unified plan of development shall include the engineered site plan required by NCC §154.1-508, a written explanation that describes how the coordination of shared services, infrastructure and improvements shall be accomplished and, when applicable, copies of recorded easements and maintenance agreements required to implement the unified plan of development.

(D) The elements of a unified plan of development listed below shall be addressed in the following manner:

- (1) Access to any roads shall comply with the Virginia Department of Transportation Access Management Regulations 24 VAC §30-72. In a plan for multiple businesses, no individual business shall have individual access to U. S Route 13 (Lankford Highway), Business Route U. S. 13 or State Route 184 (Stone Road). Individual businesses shall be served by travel ways or roads internal to the project.
- (2) Water supply, sewage disposal and stormwater management shall be designed to serve the entire development and in such a manner that water and sewage lines can easily be tied to public services when such services are available, or become available in the future.
- (3) As set forth in NCC §154.1-201, Intent of Zoning Districts et seq., in the AG zoning district the front setback may be reduced to 50 feet for any principal buildings used for commercial or industrial uses when parking lots and loading areas are located in the rear of the lot and not located between the fronts of buildings and the right-of-way.
- (4) Outside storage of salvage and unlicensed or inoperable vehicles or equipment is prohibited unless it is screened from the view of any public road or adjoining property by screening as described in NCC §154.1-606, Perimeter Screening.

- (5) When lots or parcels are being redeveloped, unnecessary or unused existing impervious surfaces shall be removed to reduce the total impervious surfaces.
- (6) Loading areas shall be designed so as to minimize visibility from every public road and adjacent residential zoning districts or residential uses by the installation of screening as described in NCC §154.1-606 Perimeter Screening.

**§154.1-307 DOMESTIC HUSBANDRY, TRADITIONAL HUSBANDRY AND INTENSIVE FARMING USES, FACILITIES, STRUCTURES AND BUILDINGS.**

(A) Minimum standards for domestic husbandry:

**(1) The total number of farm animals shall be as follows:**

- (a) On lots less than one acre the total number of farm animals shall not be greater than 10 farm animals weighing less than 25 pounds each, 1 farm animal weighing 25 pounds or more and 3 bee hives;**
- (b) On lots one acre or greater but less than 2.5 acres the total number of farm animals shall not be greater than 50 farm animals weighing less than 25 pounds each, 2 farm animals weighing 25 pounds or more and 10 bee hives;**
- (c) On lots 2.5 acres or greater but less than 5 acres the total number of farm animals shall not be greater than 50 farm animals weighing less than 25 pounds each, 5 farm animals weighing 25 pounds or more and 10 bee hives; and**
- (d) The total number of farm animals on a lot 5 acres or greater shall be based on sound agricultural practices established and promoted by the Virginia Cooperative Extensive Service.**

(2) Private and commercial equine riding, boarding and training facilities, shall provide at least 1 acre of open pasture per horse.

**(3) Domestic husbandry uses, structures and buildings for the purposes including but not limited to, waste storage, disposal practices, storage, shelters, grazing, pasture, feeding, handling and containment shall be setback as provided for in each specific zoning district and NCC Chapter 158: Chesapeake / Atlantic Preservation Areas.**

(B) Minimum standards for traditional husbandry shall be as follows:

(1) All standards set forth in subsection (A) **(1) (d), and (A) (2)** above shall apply.

- (2) Traditional husbandry uses, structures and buildings shall be situated on a lot with a minimum lot area of 5 acres.
- (3) **Traditional husbandry uses, structures and buildings for the purposes including but not limited to, waste storage, disposal practices, storage, shelters, grazing, pasture, feeding, handling and containment shall be setback as follows:** ~~Traditional husbandry uses, structures and buildings for the purposes including, but not limited to, storage, shelter, grazing, feeding, handling and containment, shall be located as required by setbacks established in NCC §§154.1-202-214 or 25 feet whichever is greater and at least 25 feet from shorelines.~~
- (a) **Structures and buildings shall be located a minimum of 100 feet from all rights-of-ways and property lines and 150 feet from shorelines, tidal and non-tidal wetlands and perennial streams;**
- (b) **Uses shall be located a minimum of 0 feet from all rights-of-ways, 10 feet from all property lines and 100-feet from shorelines, tidal and non-tidal wetlands and perennial streams.**
- (c) **Uses, structures and buildings shall not be located within the VE, AE or the 0.2 percent annual chance flood hazard areas.**
- (C) Minimum standards for intensive farming shall be as follows:
- (1) All standards set forth in subsection (A) and (B) above shall apply.
- (2) **Intensive farming uses, structures and buildings for the purposes including but not limited to, waste storage, disposal practices, storage, shelters, grazing, pasture, feeding, handling and containment shall be setback as follows:**
- (a) **A minimum of 300 feet from all rights-of-ways;**
- (b) **A minimum of 500 feet from property lines, except this may be reduced to 200-feet if there is 200 feet in width of mature woodlands and ammonia scrubbers are used to actively capture emissions. These same mature woodlands used to secure a reduction in setbacks must be preserved, neither thinned nor harvested, during the life span of the associated intensive farming;**
- (c) **A minimum of 2,000 feet from the limits of an incorporated town;**
- (d) **A minimum of 1,500 feet from Village (V), Hamlet (H), Cottage Community (CTCM) and Town Edge (TE) zoning districts; and**

(e) **A minimum of 2,000 feet from shorelines and perennial streams.**

~~Intensive farming uses for the purposes including, but not limited to, shelter, grazing, feeding, handling and containment shall be set back at least 500 feet from shorelines, nontidal wetlands and property lines.~~

~~(3) Intensive farming structures and buildings for the purposes including, but not limited to, storage, shelter, grazing, feeding, handling and containment shall be located as required by setbacks established in NCC §154.1-202-214 plus an additional 100 feet and shall be set back at least 100 feet from shorelines and nontidal wetlands.~~

~~(4) Intensive farming waste storage facilities which are enclosed shall be located at least 150 feet from shorelines, nontidal wetlands and property lines.~~

~~(5) Intensive farming open waste storage facility or area or intensive farming disposal structures and areas shall be located at least 200 feet from shorelines, nontidal wetlands and property lines.~~

(63) A perimeter screening type C as established in NCC §154.1-606, Perimeter Screening, shall be installed and maintained.

(74) Waste storage facilities and disposal practices and structures and areas shall be maintained in an operational condition as provided for in the Va. Code.

(5) **Ammonia scrubbers shall be installed and operational in all animal containment buildings.**

(86) When intensive farming requires approval and permitting from state and federal agencies as an animal feeding operation, confined animal feeding operation, confined poultry operation or concentrated confined animal feeding operation, documentation must be provided to Northampton County substantiating that these required approvals and permits have been obtained and maintained.

**(D) Domestic husbandry, traditional husbandry and intensive farming shall be governed by the Virginia Stormwater Program Regulations.**

**§154.1-308 AGRICULTURAL IRRIGATION PONDS.**

(A) Agricultural irrigation ponds shall comply with the standards below:

(1) If the construction of the agricultural irrigation pond involves wetlands, a copy of any wetlands permits or approvals must be provided. Excavated material shall not be placed within wetlands or resource protection area features.

- (2) A safety shelf at least 15 feet wide shall surround the perimeter of the pond. A safety shelf is an unobstructed level area from the edge of the pond to any property line, structure or vertical feature such as a wooded area or stockpile of excavated material.
- (3) Pumps and mechanical equipment shall be placed in areas furthest away from adjacent non-agricultural district property lines.
- (4) A waiver or exception must be obtained when a pond is proposed to be located within any of the resource protection area features as described in Chapter 158: Chesapeake/Atlantic Preservation Areas (CAP).
- (5) The edge of an agricultural irrigation pond shall be set back 100 feet from any ~~non-agricultural district~~ property line, except that the setback may be reduced in the following manner:
  - (a) If the safety shelf is increased to 75 feet between the pond and property line, the setback to property where the safety shelf is provided is reduced to 75 feet.
  - (b) If a wooded area of 35 feet is provided between the pond and property line with a minimum 15 feet safety shelf, the setback to the property line in that area is reduced to 50 feet. **The wooded area shall be in compliance with §154.1-606 Perimeter Screening and designed to meet the density standards of a semi-opaque Type B screening.**
  - (c) If all stock piles of excavated soil shall be leveled and spread over the property in areas that are not resource protection area features or wetlands, or the excavated soil shall be properly removed in compliance with the Northampton County Erosion and Sediment Control Ordinance and state mining regulations from the property, the setback is reduced to 25 feet with a minimum 15 feet safety shelf.
- (6) If the agricultural irrigation pond involves 2 or more properties in which the owners share use and/or ownership of the pond, the setback is reduced to 0 feet along the shared property line(s), provided that said shared use and/or ownership runs with the land and is reflected in a deed or deed of easement that is recorded in the Clerk's Office of the Circuit Court of Northampton County.

**§154.1-309 ACCESSORY DWELLINGS AND ~~ADDITIONAL SINGLE FAMILY DWELLINGS ON ONE LOT.~~**

- (A) An accessory dwelling may be used as a permanent or seasonal residence or for invited or paying guests. An accessory dwelling shall not be counted as a unit when calculating density, but shall be counted as a part of the single-family dwelling unit to which it is subordinate as one

total unit, contingent upon it being designed, located, constructed and maintained in compliance with the **NCC 154.1-309** following standards:

**(B) General standards for all accessory dwellings.**

- (1) The accessory dwelling shall be located on the same lot as single-family dwelling to which it is accessory and **the single-family dwelling may be constructed before or after the issuance of a permit for the accessory dwelling** ~~the setbacks that apply to principal structures and buildings shall apply;~~
- (2) The accessory dwelling shall be limited to a maximum of two bedrooms;
- (3) Only one accessory dwelling shall be permitted for each single-family dwelling **and shall not be permitted accessory to a multi-family dwelling;**
- (4) The accessory dwelling shall be owned by the same owner as the single-family dwelling to which it is accessory **and the owner shall reside in the single-family dwelling or the accessory dwelling;**
- (5) The accessory dwelling shall be served by a water supply and septic system approved by the Virginia Department of Health; ~~and~~
- (6) The accessory dwelling shall be constructed in compliance with the Virginia Uniform Statewide Building Codes requirements for dwellings and shall be issued a certificate of occupancy as a dwelling; **and**
- (7) **A minimum of one off-street parking space beyond what is required for the single-family dwelling shall be provided.**

**(C) An accessory dwelling shall be created through one of the following construction methods and shall meet the following standards specific to each method as defined below. If more than one method is used to create an accessory dwelling unit, the most restrictive standard shall apply.**

- (1) **An internal conversion within a portion of an existing single-family dwelling or existing accessory structure or the total conversion of an existing accessory structure to create an accessory dwelling.**
  - (a) **The size of the accessory dwelling shall not exceed 50% of the gross heated floor area of the existing single-family dwelling calculated prior to the internal conversion to create an accessory dwelling.**
  - (b) **When the conversion is within an existing single-family dwelling, setback and height regulations for principle structures shall apply.**
  - (c) **When the conversion is within an existing accessory structure, setback and height regulations for accessory structures shall apply.**

- (2) **An external attachment, connection or addition to an existing single-family dwelling or existing accessory structure to create an accessory dwelling.**
  - (a) **The size of the accessory dwelling shall not exceed 50% of the gross heated floor area of the existing single-family dwelling calculated prior to the external attachment, connection or addition to create an accessory dwelling.**
  - (b) **When the accessory dwelling is attached, connected or added to the existing single-family dwelling, setback and height regulations for principle structures shall apply.**
  - (c) **When the accessory dwelling is attached, connected or added to the existing accessory structure, setback and height regulations for accessory structures shall apply.**
- (3) **Construction of an accessory dwelling within, attached, connected or added to a new single-family dwelling included in the initial design and construction or construction of a new detached accessory dwelling.**
  - (a) **The size of the accessory dwelling shall not exceed 50% of the gross heated floor area of the single-family dwelling calculated excluding area which are designated to an accessory dwelling having an external entrance not shared with the area designated to the single-family dwelling.**
  - (c) **Setback regulations for principle structures shall apply.**
  - (d) **When the accessory dwelling is within, attached, connected or added to a new single-family dwelling, height regulations for principle structures shall apply.**
  - (e) **When a new detached accessory dwelling is constructed, height regulations for accessory structures shall apply.**

**§154.1-310 ADDITIONAL SINGLE-FAMILY DWELLINGS ON ONE LOT.**

(A) If the dwelling cannot be designed, located, constructed and maintained in compliance with ~~the above standards~~ **NCC 154.1-309**, it shall not be considered an accessory dwelling, but may be considered an additional single-family dwelling on one lot if it is designed, located, constructed and maintained in compliance with the following standards:

- (1) Additional single-family dwellings on one lot shall comply with the density regulations for the zoning district in which it is to be located. Each single-family

dwelling unit on one lot shall be one unit used in the density calculation;

- (2) Additional single-family dwellings on one lot shall be served by separate and independent infrastructure including, but not limited to, a water supply and septic system approved by the Virginia Department of Health; ~~and~~
- (3) An additional single-family dwelling on one lot shall be located and separated from other single-family dwellings with their accessory structures a distance equal to the minimum required setbacks as if property lines existed between the additional single-family dwelling and other single-family dwellings with their accessory structures and shall be laid out in such a manner as to permit subdivision into separate lots as provided for in Chapter: 156 Subdivision; **and**
- (4) **If a property containing additional single-family dwellings seeks approval for one or more of the single-family dwellings to be subdivided from the base parcel, the applicant shall first seek approval of a preliminary subdivision plat and phasing plan for the subdivision of all single-family dwellings located on the base parcel. After the approval of a preliminary subdivision plat and phasing plan has been obtained, one or more of the single-family dwellings located on the base parcel may be subdivided individually in compliance with the approved preliminary subdivision plan and phasing plan.**

**§154.1-311 VEHICLES, CONTAINERS AND MANUFACTURED UNITS CONVERTED TO PERMANENT ACCESSORY STRUCTURES AND BUILDINGS.**

(A) Vehicles, containers and manufactured units such as, but not limited to, recreational vehicles, tractor trailer bodies, bus bodies, campers, shipping/ transport / cargo containers, railroad cars, portable site storage containers, manufactured / modular/ mobile industrial and housing units shall be permitted for use as permanent accessory structures and buildings in accordance with the following provisions:

- (1) Features and infrastructure which would classify such vehicles, containers and manufactured units as a dwelling shall be removed;
- (2) Such vehicles, containers and manufactured units shall be located on the lot in compliance with the required setbacks and not visible from any public or privately maintained right-of-way or shall be located on the lot in compliance with the required setbacks and screened using perimeter screening type “C” to block the view of such vehicles, containers and manufactured units from any public or privately maintained right-of-way;
- (3) Such vehicles, containers and manufactured units shall not be stacked above the maximum height requirements of the underlying zoning district; and

(4) Such vehicles, containers and manufactured units shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.

(B) Notwithstanding the provisions of subsection (A), above, such vehicles, containers or manufactured units may be placed on properties the primary use of which is residential, for the limited purpose of loading and unloading household contents for a period of time not exceeding 30 days in any one calendar year.

(C) Any vehicles, containers and manufactured units not regulated under the provision set forth in subsection (A) and (B) above shall comply with NCC Chapter 92, Abandoned Vehicles.

(D) Vehicles, containers and manufactured units for use as an accessory structures and building for which the principal use is defined as a public use pursuant to NCC §154 .1-1201 shall be exempt from subsection (A) of this section.

#### **§154.1-312 WIRELESS COMMUNICATIONS FACILITIES AND METEOROLOGICAL TOWERS.**

(A) This section provides performance standards for Wireless Communication Facilities (WCF) which include, but are not limited to, monopoles, non-monopole towers, antenna arrays, masts, stayed masts and support structures, and shall provide performance standards for meteorological towers.

(B) A bond shall be required to assure removal of an obsolete WCF greater than 50 feet in height. Any antenna or tower that is not operated for a continuous period of 24 months shall be considered abandoned, and the owner of each such antenna or tower shall remove the WCF within 90 days of receipt of a removal notice from Northampton County. Removal is defined as leveling structures to the ground and legally removing the materials from the site. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The site shall be restored to its original condition after removal is complete. Installers of structures may post a blanket bond for multiple structures to satisfy this requirement.

(C) The owner of each WCF shall submit a written report on the current status of the tower to the Northampton County Administrator once a year, no later than July 1.

(D) The maximum height of any new WCF shall be 199 feet.

(E) WCFs greater than 100 feet in height 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.

(F) Noise generated by a WCF shall be limited pursuant to NCC Chapter 98, Noise Ordinance.

(G) No signals, lights, or illumination shall be permitted on a WCF unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or other state or federal authorities.

(H) Signs are prohibited except for those needed to warn of any danger.

(I) All WCFs shall be maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

(J) Standards specific to any structure mounted and roof-mounted antenna, mast, stayed mast or related unmanned equipment are as follows:

- (1) An antenna array is permitted to co-locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower, water tower, or building provided that the installation of the new facility does not increase the height of the existing structure by more than 20 feet, up to a maximum of 199 feet and subject to the other standards included herein.
- (2) Satellite and microwave dishes attached to towers and monopoles shall not exceed 6 feet in diameter.
- (3) Omni directional antennas, directional antennas and panel antennas shall be of a material or color which matches the exterior of the building or structure.
- (4) Signals or lights or illumination shall not be permitted on any antenna unless required by the FCC, the FAA, or any other state or federal authority.

(K) Standards specific to support structures are as follows:

- (1) New support structures in excess of 150 feet in height shall be designed to accommodate at least three providers.
- (2) In case of structural failure, support structures shall be designed to fall without crossing lot lines or lease lines, if leased area does not conform to property lot lines. Unless an easement authorizing such line crossing has been recorded in the land record of the Clerk of the Circuit Court of Northampton County.
- (3) The following setback requirements shall apply to all support structures:
  - (a) Support structures greater than 100 feet in height, with or without breakpoint technology, must be set back from any off-site residential structure at least 400 feet and set back from any property line at least 150 feet.

- (b) Guy wires and accessory facilities must be set back at least 25 feet from any property line.
  - (c) At a minimum, support structures between 50 feet and 100 feet in height must observe the minimum setbacks for the zoning district in which they are located or 100% of the breakpoint distance for a qualifying breakpoint technology structure and must be set back from any off site residential structure or property line no less than 110% of the height of the structure.
  - (d) Support structures 50 feet or less in height must be setback from property lines at least 110% of the height of the structure or the minimum setback for the applicable zoning district, whichever is greater.
  - (e) Local Wireless Broadband Service structures shall be exempt from this setback section and may be placed in any location if a recorded easement is granted by all property owner within the tower fall zone.
- (L) Standards specific to meteorological towers are as follows:
- (1) The maximum height of the meteorological tower from the ground level to the top of the tower including instrumentation shall not exceed 199 feet.
  - (2) The minimum setback from the nearest property boundary line and / or utility line or a meteorological tower is a distance equal to 1.5 times the height of the tower.
  - (3) Written notice shall be provided to the Zoning Administrator within 30 days of any change in ownership of the facility.
  - (4) In the event that guy wires are utilized, bird flight diverters shall be placed at spaced intervals along the length of multiple wires in a manner designed to minimize bird impacts.
  - (5) One acoustic bat detector (ABD) shall be placed on the meteorological tower at least 30 meters above the ground, and one ABD shall be placed on the meteorological tower between 1.5 meters and 3 meters above the ground.
  - (6) Within 90 days of abandonment or discontinuation of use of a tower, the applicant, his successor or the property owner shall remove the meteorological tower and all associated equipment, machinery, etc., and restore the location to its condition before the project installation.
  - (7) No meteorological tower shall be permitted until the posts bond with surety sufficient to finance the removal of the tower and the restoration of the site, as provided in subparagraph (6) above. Northampton County shall be the beneficiary of the surety bond. The Zoning Administrator is authorized to take all necessary actions to secure removal of the tower.

- (8) Signs are prohibited except for those needed to warn of any danger.

**§154.1-313 WIND TURBINES AND WINDMILLS FOR ON-SITE RESIDENTIAL OR COMMERCIAL PRODUCTION AND USE.**

(A) The following standards shall apply to wind turbines and windmills:

- (1) All power transmission lines from a small wind turbine or windmill to any building or other structure shall be located underground to the maximum extent practicable within the fall zone.
- (2) Small wind turbines and windmills shall be designed and installed to minimize impacts of land clearing and the loss of open space areas.
- (3) Noise from a small wind turbine or windmill shall not exceed the limits imposed by NCC Chapter 98, Noise.
- (4) Small wind turbines and windmills shall be a single, non-reflective, non-obtrusive color.
- (5) Small wind turbines and windmills shall have both a manual and an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
- (6) Towers shall be designed to prevent unauthorized external access to electrical and mechanical components.
- (7) The survival wind speed shall be at least 115 miles per hour.
- (8) The lowest point of any blade will be a minimum distance of 12 feet from the ground.
- (9) No small wind turbines and windmills shall be lit to exceed the outdoor lighting standards set forth in NCC §154.1-607 Outdoor Lighting, except to comply with FAA requirements.
- (10) Notwithstanding NCC §154.1-701 Signs et seq., warning signs for expected dangers shall be posted at all small wind turbines and windmills.

(B) The following setbacks, densities, lot sizes, and dimensions shall apply to small wind turbines and windmills:

<u>Lot Size</u>	1-2 acres	>2 acres and ≤ 5 acres		>5 acres		≥20 acres
Total height allowed including the blade	≤35 ft.	≤35 ft.	36 - 65 ft.	≤35 ft.	36 to 120 ft.	>120 to ≤ 199 ft.
<u>Setback</u> from <u>property</u> lines	1.5 x height	1.5 x height	1.5 x height	1.5 x height	1.5 x height	1.5 x height

(C) In addition to any other information required by this Chapter to permit small wind turbines or windmills, the applicant shall provide the following additional information:

- (1) A vertical drawing of the small wind turbine or windmill showing total height, turbine dimensions, tower and turbine colors, and distance between ground and lowest point of any blade.
- (2) Location, elevation, approximate dimensions, and types of major existing structures, including all residences, ancillary facilities or structures and uses on-site, public roads and adjoining property lines within the distance of total height shown on the site plan.
- (3) To demonstrate compliance with set-back requirements of subsection (B), a circle drawn around the proposed tower location equal to 1.5 times the total height shown on the site plan.
- (4) A line drawing of electrical components of the small wind turbine or windmill in sufficient detail to demonstrate compliance with the National Electrical Code, including the presence of an automatic turn off in the event of an electrical failure and a disconnect switch accessible to utility workers.

**§154.1-314 WIND ENERGY FACILITIES, LARGE AND UTILITY SCALE.**

(A) The following performance standards apply to all wind energy facilities, wind energy test facilities and wind turbines, large scale and utility scale, whether or not part of a wind energy facility or wind energy test facility, and related infrastructure (for purposes of this section, any place where wind turbine is used refers to large scale and utility scale wind turbine.):

- (1) Before permitting construction of any wind energy facility, wind energy test facility or large and utility scale wind turbines, a bond shall be posted where Northampton County is the beneficiary and the amount of the bond is an amount sufficient for removal and restoration of the site. If a wind turbine remains nonfunctional or inoperative for a continuous period of 1 year, the operator shall continually monitor and maintain the wind turbine so as to prevent deterioration or creation of a hazardous situation. In the event that any wind turbine becomes inoperable as a result of damage to the structure or housing, or as a result of a technical malfunction, the operator of the facility shall, within 60 days, provide to the Building Official an explanation for the inoperable condition, together with a plan and schedule for the repair or removal of the wind turbine.

- (2) All power transmission lines from the wind energy test facility and / or a wind energy facility and each wind turbine to any building or other structure shall be located underground within the fall zone.
- (3) No wind turbine shall be lit to exceed the outdoor lighting standards set forth in NCC §154.1-607 Outdoor Lighting, except to comply with FAA requirements.
- (4) Monopole towers shall be used for all “wind turbines”. All tower structures will be designed to meet the specifications of a licensed professional engineer. The use of guy wires is prohibited on “wind turbines”.
- (5) Wind energy facilities, wind energy test facilities and wind turbines shall be located and / or operated so as to limit shadow flicker on off-site residential structures, but in no event shall shadow flicker exceed 25 minutes per day.
- (6) Wind turbines shall be placed so that structures housing animals and/or humans are not located within the fall zone. A dedicated risk analysis will be carried out to demonstrate public and individual safety.
- (7) Noise from a wind turbine shall be limited pursuant to Title IX: General Regulations, Chapter 98: Noise of the NCC.
- (8) Wind turbines shall be a single, non-reflective, non-obtrusive color such as gray or similar shades. This provision may be waived if necessary to protect avian resources. Wind turbines as part of a wind energy facility shall be painted in an identical color.
- (9) All wind turbines shall have both a manual and an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
- (10) Wind turbines shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.
- (11) No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.
- (12) The minimum distance between the ground and the lowest point of the blades shall be 75 feet.
- (13) Notwithstanding NCC §154.1-701 Signs et seq., warning signs for expected dangers shall be posted at all wind energy facilities, wind energy test facilities and wind turbines. At least one sign shall be posted at the base of the tower warning of electrical shock and high voltage. A sign shall be posted at the base of each tower containing emergency contact information, including a telephone number

with 24 hour, 7 days per week coverage. Accurate maps of the underground facilities shall be provided to the local public safety agencies, including, but not limited to, the Northampton County Building Inspector and the Northampton County Sheriff's Department and the appropriate Fire and Rescue Departments.

- (14) No wind turbine shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception. No wind turbine shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a wind turbine is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the permitting for the specific wind turbines or wind energy facilities causing the interference.
- (15) No wind turbine shall be installed in any location where its proximity to existing airports, airfields, or airstrips would interfere with the continued use of such airport, airfield or airstrip. A Federal Aviation Administration (FAA) Determination of No Hazard to Air Navigation (DNH) shall be required for all structures that have a height of 200 feet or more from ground level.
- (16) One acoustic bat detector (ABD) shall be placed on wind turbines at least 30 meters above the ground and another ABD shall be placed between 1.5 meters and 3 meters above the ground.

(B) The maximum wind turbine height (large scale and utility scale), including but not limited to any wind turbine within a wind energy facility or wind energy test facility, shall be subject to setbacks, densities, lot sizes, and dimensions set out in this section and not be subject to any restrictions in any other section of this Chapter as follows:

- (1) The maximum height for a meteorological mast within a wind energy test facility is 550 feet. All other requirements for meteorological towers under NCC §154.1-311 Wireless Communications Facilities and Meteorological Towers shall apply to meteorological masts within a wind energy test facility.
- (2) The minimum setback distance between a wind turbine (large scale and utility scale) and overhead utility or transmission lines, other wind turbines, electrical substations, public roads, and property lines for properties not part of a wind farm shall be no less than 1.5 times the wind turbine height or 600 feet, whichever is greater.
- (3) In the event that a wind energy facility or a wind energy test facility is composed of more than 1 parcel of land, the setback provisions of this Chapter shall not

apply to abutting parcel where they share a common boundary, and shall only apply where the boundary of a parcel which is a part of such facilities abuts a parcel which is not a part of such facilities.

- (4) An engineered site plan shall be submitted in compliance with NCC §154.1-507 Site Plan and contain the additional information specific to compliance with the standards in this section as follows:
- (a) Property lines and physical dimensions of the parcel where the wind turbine will be located as well as any adjacent parcels.
  - (b) Location, approximate dimensions, and types of major existing structures and resources, including but not limited to residences, businesses, community, government and educational facilities, aviation resources, cultural resources, and natural resources, on the parcel where the wind turbine will be located and on adjoining properties at least within 1,000 feet of the boundaries of the proposed project site.
  - (c) Location and size of structures above 35 feet within a radius of no less than 1.5 times the height of the proposed wind turbine(s).
  - (d) To demonstrate compliance with the setback requirements of this section, a circle drawn around each proposed tower location with a radius equal to 1.5 times the wind turbine height.
  - (e) Location of residential structures within a radius equal to 3 times the wind turbine height of each proposed tower.
  - (f) Location of all proposed facilities, including access roads, electrical lines, substations, storage or maintenance units, and fencing.
  - (g) A noise analysis by a licensed acoustical engineer documenting the noise levels expected to be associated with the proposed wind turbine(s) shall be submitted as part of the application. The study shall document projected noise levels at property lines and at the nearest residence not on the site. The noise analysis shall provide pre-existing ambient noise levels and include low frequency noise and vibration projections and potential impacts. The noise analysis shall provide supporting information to demonstrate compliance with the noise performance standards for wind turbines.
  - (h) The applicant shall conduct and submit a study on potential impacts from blade damage and blade throw, including delineation of blade throw impact zone.
  - (i) The applicant shall conduct and submit a study on potential shadow

flicker. The study shall identify locations where shadow flicker may be caused by the wind turbines and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems, including reduction of wind turbine operations during shadow flicker periods.

- (j) The applicant shall submit a vertical drawing of the wind turbine showing wind turbine height, blade dimensions, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing shall be submitted for each wind turbine.
- (k) Lighting plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.
- (l) List of property owners as shown on the Northampton County tax records on file with the Commissioner of Revenue Office, with their mailing addresses, within 1,500 feet of the boundaries of the proposed project site for notification purposes.
- (m) The applicant shall submit a decommissioning plan, which describes the anticipated life of the project, the cost for removal, evidence of decommissioning funds (bond, insurance, or other guarantee), and the plans for restoring the soils and vegetation on the site after removal of the wind turbine. The applicant shall annually provide the Board of Supervisors with evidence of sufficient decommissioning funds, in the form of a performance bond or surety bond, to allow Northampton County, at no cost to itself, to remove the project in the event that the applicant fails to comply with its decommissioning plan.
- (n) The applicant shall provide Northampton County with copies of all studies and information related to birds and bats that are required to be prepared for any other governmental agencies.
- (o) The applicant shall provide photo-simulations of proposed wind energy facilities from at least three different locations, as determined by Northampton County, in order to illustrate views of the project from property lines, roadways and sensitive receptors (natural areas, recreational areas, etc.) so that visual impacts can be determined.
- (p) The applicant shall conduct balloon testing after the submission of the

official application at the proposed wind energy facility location for at least two wind turbines. Balloons shall be placed at each site for at least 4 hours and flown at a height equal to the proposed wind turbine height. The balloon testing date and time shall be advertised in a newspaper of local circulation at least two weeks before the actual testing date.

**§ 154.1-315 SOLAR ENERGY FACILITY STANDARDS.**

**(A) All solar energy facilities shall be subject to approval by the Board of Supervisors through a special use and in addition to any condition placed on a special use permit approval by the Board of Supervisor solar energy facilities shall comply with the performance standards established in this section.**

**(B) General performance standards.**

**(1) Any uses planned as accessory uses to the principal uses shall be subject to approval by the Board of Supervisors as part of the special use permit. If the solar power system is not built to completion within two years after the granting of the special use permit, becomes unused, abandoned or vacated for more than 12 consecutive months, the Board of Supervisors shall initiate revoking the special use permit to eliminate the SED at that location.**

**(2) The uses allowed by the district in which the parcel(s) is (are) located prior to obtaining the special use permit may be continued in accordance with all applicable regulations set forth in this chapter or elsewhere in the Northampton County Code. Such uses are exempt from the performance standards within NCC §154.1-314 Solar Energy Facility.**

**(C) Specific performance standards.**

**(1) The lowest surface of any panel shall be a minimum of four feet above the finished grade on which the panel is located.**

**(2) No stormwater discharge that causes a discharge of pollutants to or degradation of county or state waters is permitted.**

**(3) The entire solar energy facility, including the area underneath the solar panels, must be vegetated. Panels must be adequately spaced to ensure sufficient sunlight penetration to promote growth of vegetation. A plan must be submitted for maintenance of that vegetation, except for access roads and accessory structures.**

**(4) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.**

- (5) The gross usable area will exclude any wetland areas that are regulated by the Northampton County Wetlands Board or the U.S. Department of the Interior (administered by the U.S. Army Corps of Engineers).
- (6) Space for any required public utility right-of-way must be allocated.
- (7) The following requirements shall govern the landscaping surrounding a solar energy facility:

  - (a) A vegetated buffer is required that consists of a landscaped strip at least 50 feet wide measured from each boundary line of the solar energy facility around the entire perimeter. Any fencing must be installed on the interior of the buffer. A recommendation that the screening and / or buffer creation requirements be waived may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer.
  - (b) Solar energy facilities shall be landscaped and maintained with a buffer of plant materials that are mature enough to effectively screen the view, to eight feet above ground level, of the solar panels from adjacent properties all year around. A landscape berm properly prepared to accept plants, up to four feet high, may be used to assist reaching the required screening height. The screening must be fully established within five years and effectively maintained for the life of the solar energy facility. Non-invasive plant species must be used. (See [www.NPS.gov](http://www.NPS.gov) National Park Service - USFWS “Plant Invaders of the Mid Atlantic Natural Areas.”)
  - (c) Existing vegetation may be removed only as authorized during the site plan review process to permit vehicular and utility access during construction of the facility and installation of transmission power lines.
- (8) Noise generated by the facility shall be limited to 60 DBA as measured at the property line except when a back-up generator is needed for maintenance. Construction on the site is exempt from this standard.
- (9) Any installed lighting shall be in accordance with § 154.1-607, Outdoor Lighting, of this chapter.
- (10) If solvents are required for cleaning of solar modules, they must be biodegradable.
- (11) If a water supply is required, it must be from a source no deeper than the Columbia aquifer even if a deeper source already exists within the solar

energy facility.

- (12) All broken or waste solar modules shall be removed from the site within 60 days of being taken out of service.
- (13) Solar energy facilities, including the electrical and mechanical components, shall conform to relevant and applicable local, state and national building codes.
- (14) The following reporting is required.
  - (a) The solar installation operator will notify the Board of Supervisors as soon as the applicant is transmitting electricity from solar panels to the electrical public utility grid.
  - (b) The solar installation operator shall submit a report to the Northampton County once a year, no later than July 1. The report shall state the current status of the installation.
  - (c) Any change of ownership or management of the solar installation shall be reported to the Board of Supervisors within 60 days of the change.
  - (d) If the solar facility ceases operations, the operator shall notify the Board of Supervisors 60 days in advance.

(15) Additional required setbacks are required for a solar energy facility as follows:

	<i>Primary Uses</i>	<i>Accessory Uses</i>
From Lankford Highway (US 13)	100 ft.	150 ft.
From other public access roads	60 ft.	60 ft.
From tidal waters and incorporated towns	150 ft.	200 ft.
From Solar Energy Facility exterior boundary line when not increased by the above	50 ft.	50 ft.

- (16) All setback areas must be vegetated. The vegetation must be maintained as effective soil sediment traps. The required screening buffer described above in division (C) (7) shall be created within and on the interior side of the setback when it exceeds 50 feet.

- (17) Solar energy facilities abutting US 13 shall not access the facility from US 13 if access is possible from a secondary road. If no secondary road is available, US 13 access is limited to one entrance per solar energy facility, constructed to current VDOT standards.**
  - (18) Support and maintenance buildings are accessory structures and building to the solar energy facility and cannot be higher than 25 feet. The roofs may be designed to accommodate additional flush mounted solar panels.**
- (C) Removal of abandoned solar generating equipment.**
- (1) A bond, whose amount shall be determined by Northampton County, shall be required to assure removal of an unused solar energy power generating system.**
  - (2) Any solar energy facility power generating system that has not operated for a continuous period of 12 months shall be considered unused and abandoned. The owner of an unused system shall remove the entire system within six months of receipt of notice from Northampton County notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire. All materials must be lawfully removed from the site. The site shall be restored to its original condition after removal is complete.**

**§154.1-316 FAMILY DAY HOME 6 - 12 PEOPLE**

- (A) Family day home 6 - 12 people shall comply with the minimum standards below:**
- (1) All parking areas, driveways and on-site travel ways, located on the subject lot or parcel whether associated with the family day home or not, shall be separated from areas accessible to any children attending the family day home, except during the time period when children are being dropped-off or picked-up with supervised access to that designated area;**
  - (2) Parking and loading needs generated by such a family day home shall be met on the subject lot or parcel;**
  - (3) If outside play areas are provided for the children attending the family day home those areas shall be enclosed by a fence a minimum of four feet in height;**
  - (4) Traffic generated specifically in conjunction with the family day home shall not exceed more than 12 vehicles on the subject lot or parcel at any time or may not exceed restrictions placed on the traffic by the Virginia Department of Transportation, which ever restriction is more stringent;**

- (5) The family day home shall be served by a water supply and septic system approved by the Virginia Department of Health for this specific use;
- (6) The family day home shall be constructed in compliance with the Virginia Uniform Statewide Building Code requirements for such a use and obtain a certificate of occupancy for such a use; and
- (7) The family day home shall obtain and maintain the required license issued by the Commonwealth of Virginia.

(B) A zoning clearance shall be required as specified in §154.1-503 Zoning Clearance.

**§154.1-317 BIOMASS CONVERSION TO ALTERNATE FUEL – SMALL SCALE AND LARGE SCALE**

(A) Biomass conversion to alternate fuel – small scale shall comply with the minimum standards below:

- (1) At least 50 percent of the feedstock shall be produced either on site or by the owner of the conversion equipment.
- (2) Any structure used for the processing of the feedstock into energy shall occupy less than 4,000 square feet, not including the space required for storage of feedstock.
- (3) The owner of the farm on which the activity of biomass conversion to alternate fuel will take place shall notify the Northampton County Administrator in writing prior to the commencement of initial processing.
- (4) Biomass conversion to alternate fuel – small scale uses, structures and buildings shall be situated on a lot with a minimum lot area of 5 acres.
- (5) Biomass conversion to alternate fuel – small scale uses, structures and buildings shall be set back at least 25 feet plus the required setback distances established in NCC §§154.1-204-219 and at least 250 feet from shorelines, perennial streams, nontidal wetlands and shall not be located within the VE, AE or the 0.2 percent annual chance flood hazard areas.

(B) Biomass conversion to alternate fuel – large scale shall comply with the minimum standards below:

- (1) All standards set forth in subsection (A) (3) above shall apply.
- (2) Biomass conversion to alternate fuel – large scale uses, structures and buildings shall be set back at least 500 feet from shorelines, perennial streams, nontidal wetlands, property lines and shall not be located within the VE, AE, or 0.2 percent annual chance flood hazard areas.

- (3) A perimeter screening type C as established in NCC §154.1-606, Perimeter Screening, shall be installed and maintained.

**§154.1-318 EVENT VENUE**

- (A) All event venues shall comply with the minimum standards below:
  - (1) This use shall only be permitted by special use permit in specified zoning district on parcels having a minimum lot size of 5 acres;
  - (2) The maximum number of guests, hours of operation and Type A, B, C and/or D screening may be required as part of the special use permit approval;
  - (3) No overnight accommodations shall be permitted as part of an event venue, but may be approved as a separate use on the property;
  - (4) All parking needs generated by this use must be accommodated on-site except as permitted in §154.1-604 Off-street Parking;
  - (5) Solid waste generated by the event venue shall be stored in a manner that prevents the propagation, harborage or attraction of insects and rodents or other nuisance conditions and shall be removed at least once every seven days by a licensed solid waste hauler;
  - (6) If portable toilets are provided for temporary use, then they shall be approved by the Virginia Department of Health;
  - (7) Setbacks for parking shall be 100-feet from adjacent residential zoning districts and 200-feet from any dwelling except dwellings on the premises;
  - (8) Setbacks for any outdoor event activities shall be 300-feet from adjacent residential zoning districts and 400-feet from any dwelling;
  - (9) All permanent structures and buildings associated with the event venue shall be constructed in compliance with the Virginia Uniform Statewide Building Code requirements for such a use and obtain a certificate of occupancy for such a use;
  - (10) Temporary structures and buildings such as tents and stages are permitted and shall be constructed in compliance with the Virginia Uniform Statewide Building Code requirements for such a use;
  - (11) The number of required parking spaces and other parking performance standards established in §154.1-604 Off-street Parking

shall be documented on a site plan;

- (12) Traffic generated by the event venue shall not exceed conditions placed on the approval of the special use permit by the Northampton County Board of Supervisors and Virginia Department of Transportation;
- (13) Noise generated by the event venue shall comply with the standards set forth in NCC Chapter 98, Noise Ordinance;
- (14) Outdoor lighting shall comply with the standards set forth in NCC §154.1-607 Outdoor Lighting;
- (15) Signs shall be placed in accordance with §§154.1-701 et seq. Signs;
- (16) The event venue shall be served by a water supply and septic system approved by the Virginia Department of Health for this specific use; and
- (17) Food service associated with the event venue shall be approved by the Virginia Department of Health.

#### ***ARTICLE IV SUPPLEMENTAL AND MODIFICATION REGULATIONS***

##### **§154.1-401 GENERAL.**

In addition to the other regulations set forth in this Chapter, the supplemental regulations set forth in this section shall apply in the specific areas enumerated.

##### **§154.1-402 SETBACKS AND LOT MEASUREMENTS.**

When setbacks are required in a zoning district, the area between the property line and the minimum setback line shall be unobstructed by any use, structure or building except that:

- (A) Ornamental features, cornices, eaves, steps, stoops, stairs, landings, and bay windows may protrude a distance of 1/5 of a required minimum rear or side setback into that setback;
- (B) An enclosed vestibule containing not more than 40 square feet may protrude into the required front setback for a distance not exceeding 4 feet;
- (C) Awnings may project into the required front setback for a distance not exceeding 3 feet;
- (D) The required front setback on a corner lot shall be observed on the frontage having the lesser dimension; the other frontage shall be considered a side yard;

- (E) The setback for signs shall be 10 feet from any property line.
- (F) Motor fuel pumps and pump islands, including accompanying unenclosed canopies, may be located within a front setback in a zoning district that permits motor fuel service stations provided that the pump, island and canopy are not within 25 feet of the front property line;
- (G) In an industrial district, the front setback shall be reduced to 25 feet when structures are situated on a private road that does not convey and is not planned to convey thru traffic;
- (H) In the AG zoning district the front or U. S. Rt. 13 setback may be reduced to 50 feet for any principal buildings used for commercial or industrial uses when parking and loading are located in the rear of the lot and not located between a building and the right-of-way;
- (I) If a lot zoned **WW, V-WB-NB**, V-C, C or I abuts a lot that is zoned **WW, V-WB-NB**, V-C, C or I, the side and rear minimum setbacks shall be reduced to 0 feet;
- (J) The setback from a railroad right-of-way for any structure or building used for industrial uses or any structure or building located on a lot zoned Industrial, shall be 0 feet;
- (K) Off-street parking spaces are permitted to encroach into front, side or rear setbacks, provided that no parking space shall create a visual obstruction or hindrance to traffic on any abutting street;
- (L) For the addition of any structure required by the Americans with Disabilities Act (ADA) to an existing structure, or for the addition of any structure reasonably needed and designed to provide access for disabled individuals to structures not regulated by the ADA (“access structure”), any property line setback may be reduced to as little as zero feet if the Zoning Administrator determines that there is no location for such access structure on the site that will comply with the required setback. If there is a location on the site for the access structure that will meet the required property line setback, that location must be utilized. If the access structure must encroach into the required setbacks, the rear setback will be considered first and the side setbacks second. Encroachment into the front setback will only be allowed when the first and second options will not accommodate the placement of the access structure, or if two access structures are required for safe and adequate access. Structural features of the existing structure and safety issues will be considered in determining the appropriate location the access structure;
- (M) Bulkhead, revetments, groins, sills, breakwaters, community piers, community boardwalks, community access stairs and other similar structures regulated by the Northampton County Wetlands Board shall be allowed within all setbacks and within the resource protection area buffer, except that private piers, private boardwalks and private access stairs, shall meet side setback regulations. Erosion and sediment control projects shall be permitted within the setbacks and within all resource protection area components through the appropriate Northampton County approval and permitting process;
- (N) Statues and flagpoles shall be allowed within the front, rear and side setbacks provided

that such structures shall not create a visual obstruction or hindrance to traffic on abutting streets;

(O) Heating, cooling and other mechanical structures 100 square feet or less in size each shall be permitted within the rear and side setbacks;

(P) Utility structures associated with communications, sanitation, electric, gas and water shall be permitted within the rear and side setbacks. These structures may be allowed within resource protection area as provided for in Chapter 158: Chesapeake/Atlantic Preservation Areas (CAP) and within areas regulated by the Northampton County Wetlands Board through the appropriate approval or permitting process;

(Q) Unenclosed porches and decks which are no higher than 3 feet from the existing ground elevation may project up to a maximum of 5 feet into a minimum side or rear setbacks, provided that such projections are not within 5 feet of the adjacent lot lines;

(R) Open lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues may project into the required rear setback not more than 5 feet;

(S) When a lot is lawfully used for a commercial, institutional or industrial purpose which is not zoned C or I, more than one main building may be located upon the lot only if each separate building has independent open space equivalent to the setback requirements of the district in which the lot is located;

(T) Setback requirements shall not apply to any fence, freestanding wall or retaining wall, which is erected in conformity with subparagraphs (1), (2), (3), (4) or (5) below and other provisions of the NCC. Fences shall be constructed using posts for supports. Walls shall be constructed with a continuous foundation, tie-back system, sheathing or similar construction methods above and/or below the ground;

- (1) Fences shall be permitted within the front, rear and side setbacks provided that they do not create a visual obstruction or hindrance to traffic on any abutting street.
- (2) Fences shall only be permitted provided they do not impede overland flow of water within the resource protection areas, wetlands, beaches and coastal primary sand dunes when in accordance with NCC Chapter 158 Chesapeake/Atlantic Preservation Areas (CAP), NCC Chapter 151, Wetlands and NCC Chapter 152, Coastal Primary Sand Dunes.
- (3) Freestanding walls and retaining walls shall be permitted within the front, rear and side setbacks provided that such walls do not create a visual obstruction or hindrance to traffic on any abutting street.
- (4) Freestanding walls shall only be permitted within any resource protection areas, wetlands, beaches and coastal primary sand dunes when in accordance with NCC

Chapter 158 Chesapeake/Atlantic Preservation Areas (CAP), NCC Chapter 151, Wetlands, and NCC Chapter 152, Coastal Primary Sand Dunes.

- (5) Retaining walls shall only be permitted in conjunction with an erosion control project within resource protection areas, wetlands, beaches and coastal primary sand dunes when in accordance with NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP), NCC Chapter 151 Wetlands, and NCC Chapter 152, Coastal Primary Sand Dunes.

(U) No planting, wall, fence or other obstruction to a motorist's vision may be located within the sight triangle as defined in this Chapter so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit for public or private roads.

(V) Minimum lot frontage may be reduced to 25 feet when the lot fronts on a cul-de-sac or when the lot is designed in conformance with the standards for a pipe stem lot as defined in §154.1-1201 Definitions.

(W) Minimum front setbacks may be reduced by the use of a prevailing front setback.

- (1) The use of a prevailing front setback to reduce the required minimum front setback shall apply when all of the following criteria are met:

- (a) The use of a prevailing setback is permitted in the zoning district;
- (b) The subject lot is a lot of record at the date of adoption of this Chapter;
- (c) The subject building is a principal building and not an accessory structure or buildings or accessory dwellings; and
- (d) There are existing principal buildings on each of the lots abutting both sides of the subject property.

- (2) The prevailing setback shall be calculated by taking the existing average front setbacks of the principal buildings on the adjacent and abutting lots on both sides of the subject lot. This average shall be the prevailing front setback and used as the new minimum required front setback except that such prevailing setback determined shall not require an increase in the setback otherwise provided for herein.

#### **§154.1-403 HEIGHT AND BULK.**

(A) Public, quasi-public or public service buildings such as hospitals, institutions, schools, churches and similar uses, when permitted in a district, may be erected to any height, provided the building is set back from each setback line at least 1 additional foot for each 2 feet of

additional building height above the height limit otherwise provided in the district in which the building is located.

(B) Non-residential structures including, but not limited to, chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or tanks, ornamental towers and spires, grain elevators or necessary mechanical appurtenances may be erected to a height not exceeding 100 feet.

(C) Water towers may be erected to a height not exceeding 150 feet except that the height may be higher when documentation is provided by a licensed engineer certifying that the height must exceed 150 feet in order to provide the volume of water to the defined service area at a flow and rate that is considered by standard engineering practices to be adequate.

(D) Structures and buildings, excluding those listed in subsection (B), above, that are for solely agricultural uses may be erected to a maximum height of 45 feet provided that such building is set back from each setback line at least 1 additional foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

(E) Parapet and fire walls, monitors and roof structures for stairways, elevators, tanks, ventilating fans or similar equipment which are necessary for the mechanical operation of a building or enclosed manufacturing process may exceed the height requirements of the district in which the building is located provided that all such structures do not occupy more than 25% of the roof area of the building or structures.

(F) The maximum height for any single-family dwelling shall be as provided for in each zoning district except that in the Agricultural District, additional height may be permitted where the single-family dwelling is set back from each property line (front, rear, and sides) two additional feet horizontally for each 1 foot of additional height over 35 feet, up to a maximum of 45 feet.

(G) A railing on a widow's walk may exceed the height limitation for any building by a maximum of three feet; and

(H) The maximum height for any structure or building shall be defined in §NCC §154.1-201 Zoning Districts et seq. except where additional height is required to meet the elevation standards to comply with Chapter 159: Floodplain Management. Only the additional minimum distance required to comply with the elevation standards of Chapter 159: Floodplain Management shall be permitted to exceed the maximum height regulations in each zoning district.

#### **§154.1-404 ACCESSORY STRUCTURES AND BUILDINGS.**

No accessory structure or building shall be permitted in excess of 250 square feet, except for a private open pile pier, erosion control and shoreline stabilization structures on a lot until construction has begun on the principal structure or building and is diligently pursued.

**§154.1-405 RESOURCE PROTECTION AREA BUFFER.**

Where a resource protection area buffer is required by NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP), it shall supersede any setback. Any encroachment, modification or reduction of the resource protection area buffer shall be governed by NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP) and not this Chapter.

***ARTICLE V ADMINISTRATION AND PROCEDURES***

**§154.1-501 ZONING ADMINISTRATOR APPOINTED.**

As provided in Va. Code §15.2 -2286, the provisions of this Chapter shall be administered by the Zoning Administrator who shall have all necessary authority on behalf of the Board of Supervisors of Northampton County to administer, interpret and enforce the provisions of the this Chapter, including the establishment of necessary administrative, inspection and enforcement procedures except that the Zoning Administrator shall not be authorized to grant modification from any provision contained in this Chapter except as provided herein. In addition, The Board of Supervisors of Northampton County shall periodically provide direction to the Zoning Administrator through the Northampton County Administrator as to the above authority granted.

**§154.1-502 FILING FEES.**

(A) The Board of Supervisors shall establish a schedule of fees and charges related to administration of matters pertaining to this Chapter.

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

**§154.1-503 ZONING CLEARANCE.**

(A) Before engaging in an activity regulated by this Chapter, persons contemplating such activity shall apply for and obtain zoning clearance to ensure that uses, structures and buildings are in conformity with the provisions of this Chapter.

(B) Regulated activities that require a zoning clearance shall include, but is not limited to, the following types of development and redevelopment activities:

- (1) Any activity requiring a building permit;
- (2) Any activity that constitutes a change of use as established by this Chapter;
- (3) Any activity that constitutes a change of use as determined by the Building Official; and

- (4) Any activity that requires compliance with use, density and dimensional regulations within this Chapter such as, but not limited to, the regulations within NCC §154.1-201 Zoning Districts et seq. and NCC §154.1-401 Supplemental and Modification Regulations et seq.; and
- (5) Any activity that requires compliance with design and performance standards within this Chapter such as, but not limited to, the regulations within NCC §154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq. and NCC §154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

(C) No other Northampton County permits or approvals shall be issued until a zoning clearance is issued.

(D) An application for a zoning clearance shall be submitted to the Zoning Administrator for review and approval. Such application shall be made on forms and checklist supplied by the Zoning Administrator and accompanied by the number of copies of the site plan as required by the Zoning Administrator. Any required site plan shall be prepared in accordance with the NCC §154.1-507 Site Plan.

(E) As promptly as practicable but in no case later than 90 days of receipt of the application, the Zoning Administrator shall approve or disapprove the application. One copy of the application and site plan shall be returned to the applicant along with a document granting zoning clearance or a written denial which includes a statement describing reasons for the denial. If not specified, zoning clearance incorporated into other permits and approval processes shall expire in the same manner and time frame as those other permits or approvals.

#### **§154.1-504 SPECIAL USE PERMIT.**

(A) The Board of Supervisors may, **after review and recommendation by the Planning Commission, and after proper notice and a public hearing**, grant a special use permit where such special use is permitted by the terms of this Chapter.

(B) The special use permit may be granted subject to and with such safeguards, requirements and conditions which may be imposed by the Board of Supervisors. An application for a special use permit may be submitted by the property owner, or the contract owner or lessee of the property affected with the owner's written and notarized consent.

(C) An application for a special use permit shall be made on forms supplied by the Zoning Administrator and accompanied by the number of copies of the site plan as required by the Zoning Administrator. The site plan shall be prepared in accordance with the NCC §154.1-508 Site Plans. An application shall be reviewed by the Zoning Administrator to determine its completeness. When the application is complete and all required fees have been paid, proper notice shall be given and a public hearing conducted.

(D) The issuance of a special use permit shall authorize the applicant to construct only such structure(s) and / or conduct only such use(s) as are specifically authorized by the special use permit.

**§154.1-505 ZONING MAP AMENDMENT.**

(A) The Board of Supervisors may, after review and recommendation by the Planning Commission and after proper notice and a public hearing, amend the Northampton County Zoning Map.

(B) A proposed change of zoning district boundaries of the Northampton County Zoning Map may be initiated by one of the following methods:

- (1) Resolution of the Board of Supervisors;
- (2) Motion of the Planning Commission; or
- (3) Petition addressed to the Board of Supervisors by the owner, or contract purchaser with the owners' written and notarized consent, or by the owners' agent, of the property which is the subject of the proposed zoning map amendment.

(C) An application for a zoning map amendment shall be made on forms and checklists supplied by the Zoning Administrator and accompanied by the number of copies of the site plan as required by the Zoning Administrator. The site plan shall be prepared in accordance with the NCC §154.1-508 Site Plans. An application shall be reviewed by the Zoning Administrator to determine its completeness. When the application is complete, proper notice shall be given and a public hearing conducted.

(D) A property owner or other applicant submitting an application to amend the Northampton County Zoning District Map may not submit substantially the same application for amendment within a period of 12 months from the date of the original denial by the Board of Supervisors.

(E) In cases where applications, which are related to the same project, request amendments to the zoning map and the approval of a special use permit, or other approvals required to be made by the Board of Supervisors, such applications may be submitted and processed as if they were a single application.

(F) If, in accordance with the provisions of this Chapter, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map no later than ten days after the change has been approved by the Board of Supervisors. Such changes shall be attested by the signature of the Zoning Administrator and the date of entry. No change of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Chapter.

**§154.1-506 OTHER AMENDMENTS.**

- (A) Any amendment to this Chapter other than zoning map amendments shall be initiated only by the Planning Commission or the Board of Supervisors.
- (B) All such amendments shall be heard by the Planning Commission in a legally advertised public hearing.
- (C) After the public hearing before the Planning Commission, the Planning Commission may report a recommendation to the Board of Supervisors. If the Planning Commission fails to make a recommendation to the Board of Supervisors within 100 days after the Planning Commission's first meeting following the date the proposed amendment was referred to it, or such shorter period as may be prescribed by the Board of Supervisors, the amendment shall be deemed recommended for approval.
- (D) The Board of Supervisors shall, after proper notice, conduct a public hearing on the proposed amendment and thereafter accept, reject or make lawful modifications to the proposed amendment.

**§154.1-507 CONDITIONAL ZONING.**

Any applicant for a zoning map amendment may, as a part of the application, proffer reasonable conditions in addition to the regulations provided for the zoning district, concerning the use and development of subject property, including off-site improvements that may serve or benefit subject property and the public welfare. Such proffers shall be subject to the conditions, authority, responsibilities and limitations set out in Va. Code §§15.2-2297, 2299, 2300, 2301, 2302 and 2303,

**§154.1-508 SITE PLAN.**

There shall be two levels of site plans; a site plan sketch and an engineered site plan.

- (A) Site plan sketches.
  - (1) All applications for zoning clearances or building permits shall be accompanied by a site plan sketch unless this requirement is waived by the Zoning Administrator or unless the use or structure which is the subject of the application specifically requires an engineered site plan as provided below.
  - (2) A site plan sketch must show:
    - (a) Property lines;

- (b) Existing and proposed building locations and orientation;
- (c) Location of proposed and existing parking area(s);
- (d) How access to the site is accomplished;
- (e) Proposed use of site;
- (f) Setbacks per NCC;
- (g) Graphic scale;
- (h) Easements;
- (i) Unique natural/visual features to be preserved (wetlands, RPA buffer, known archaeological sites, mature trees etc.); and
- (j) Location of existing and proposed wells and sanitary drain fields.

(B) Engineered site plans.

- (1) An engineered site plan shall be prepared by an engineer or other professional properly licensed to prepare a site plan and practice in the Commonwealth of Virginia and shall include and depict the information required by the Zoning Administrator, which may vary depending upon the project.
- (2) Uses and structures requiring an engineered site plan include but are not limited to the following:
  - (a) Any activity requiring a unified plan of development in conformance with NCC §154.1-306 Unified Plan for all Commercial and Industrial Uses;
  - (b) Any activity requiring an erosion and sediment control plan in conformance with Chapter 153: Erosion and Sediment Control except for single-family residential projects on individual lots or parcels;
  - (c) Any activity requiring a stormwater management plan in conformance with the Virginia Stormwater Management Program Regulations except for single family residential projects permitted to complete an agreement in-lieu of a plan; or
  - (d) Any activity requiring a plan of development in conformance with Chapter 158: Chesapeake/Atlantic Preservation Areas (CAP).
- (3) An engineered site plan or a site plan sketch may be required to fulfill requirements in other Chapters of the NCC and programs including, but not

limited to, NCC Chapter 151, Wetlands, NCC Chapter 152, Coastal Primary Sand Dunes, NCC Chapter 153, Erosion and Sediment Control, NCC Chapter 156, Subdivision Code, NCC Chapter 159, NCC Floodplain Management, NCC Chapter 158, Chesapeake/Atlantic Preservation Areas (CAP) and the Virginia Stormwater Management Program. When such site plan is required, it shall comply with this Chapter and any additional requirements specified in the other Chapter(s) and shall be processed, reviewed and implemented in coordination with the overall plan of development.

- (4) Site plan approval shall expire 5 years after the approval date, unless the applicant has acquired vested rights in the approval as provided in Va. Code §15.2 - 2307 or as otherwise provided by law.
- (5) Compliance with approved engineered site plans.
  - (a) No use or structure or other development which is the subject of an engineered site plan required under this Chapter shall be used or occupied until such time as a Certificate of Compliance has been issued by the Zoning Administrator.
  - (b) Before the issuance of a Certificate of Compliance with an engineered site plan the applicant shall submit to the Zoning Administrator as-built plans prepared by a licensed professional engineer or a licensed Virginia land surveyor, landscape architect or architect within the limits of their license.
  - (c) If the Zoning Administrator finds the as-built plans to be in compliance with the site plan, a certificate of compliance shall be issued. Any items not in compliance with the site plan shall be addressed at the developer's expense and a certificate of compliance shall not be issued until such time as all noncompliant items have been satisfactorily addressed.

## ***ARTICLE VI DESIGN AND PERFORMANCE STANDARDS FOR IMPROVEMENTS WHICH ARE THE SUBJECT OF SITE PLANS***

### **§154.1-601 ACCESS MANAGEMENT.**

Access management standards shall be required for any development that is required to submit a site plan sketch or an engineered site plan pursuant to NCC §154.1-508 Site Plan.

- (A) Access to a development from a public road shall conform to applicable Virginia Department of Transportation Access Management Regulations.
- (B) Each entrance onto any publicly owned and maintained road for traffic to and from a development shall be designed, permitted, constructed and maintained in accordance with Virginia Department of Transportation regulations. The developer shall provide documentation

that the Virginia Department of Transportation has permitted all entrances onto publicly owned roads. The entrance shall be constructed in compliance with such permit.

(C) If the development will result in the potential development of 50 or more dwelling units, the development shall have more than one principal means of access from one or more existing public roads.

(D) If discharge water of a 100 year storm from a development could reasonably be anticipated to inundate, block, destroy or otherwise obstruct a principal means of access to a development, the principal means of access shall be designed and constructed so as to provide unobstructed access at the time of flooding, and / or an alternative means of access which is not subject to inundation, blockage, destruction or obstruction, and which is accessible from each lot within the development shall be constructed.

(E) All lots developed for residential use which are fronting on U.S. Route 13 (Lankford Highway) (excluding U.S. Business Route 13), State Routes 613, 183 (Ocohanock Neck Road), 184 (Stone Road), Route 618 and 619 (Bayside Road) and Route 600 (Seaside Road), shall not have exclusive direct access onto those roads, but shall have access to interior roads that provides access onto those roads.

#### **§154.1-602 ROADS.**

Roads constructed as part of any development that is required to submit an engineered site plan pursuant to NCC §154.1-508 Site Plan, shall be constructed to the following standards.

(A) All developments shall be served by public road(s) whether publicly or privately owned.

(B) All public roads that are publicly owned shall be designed, permitted, constructed and maintained in compliance with the Virginia Department of Transportation regulations and standards for acceptance into the secondary system of state highways.

(C) The minimum width of the right-of-way of all roads, measured from lot line to opposite lot line shall be not less than 50 feet except as otherwise permitted in Chapter 156 Subdivision Code. Road layouts shall minimize pedestrian and vehicle conflict points. Northampton County may require the installation of sidewalks when such improvements are important to traffic safety and, when required, shall adhere to the standards developed by the Virginia Department of Transportation.

(D) When the property to be developed is zoned industrial and the proposed road(s) is (are) not intended to accommodate through traffic, the minimum width of the right-of-way may, if determined to be necessary by the Site Plan Agent, be reduced by the minimum distance required to afford relief from the standard requirement but in no case to less than 40 feet, and shoulders and / or drainage provisions shall be of sufficient width and design to accommodate stormwater runoff as deemed necessary by the Site Plan Agent.

(E) All multiple intersections involving the junction of more than two roads shall not be used,

except by permission of the Virginia Department of Transportation or the Site Plan Agent when concerning public roads that are privately owned roads.

(F) All roads shall be laid out to intersect as nearly as possible at right angles.

(G) Public roads that are privately owned, which meet, unless specifically exempted, all other road requirements of this Chapter, may be allowed:

- (1) In family subdivisions;
- (2) In residential subdivisions, where the privately owned road serves ten or fewer residential lots; and
- (3) In multi-family dwelling unit and condominium subdivisions, or in industrial or commercial subdivisions, where at no time in the future such roads will carry thru traffic.

(H) Public roads that are privately owned shall be constructed using the following standards:

- (1) All connections and intersections with publicly owned roads shall meet all Virginia Department of Transportation standards.
- (2) Travel ways sub-grade shall be 5 inches of compact road fill.
- (3) Surface treatments may be gravel, shell, asphalt, concrete or other comparable material.
- (4) The road, drainage and shoulder shall be not less than 18 feet, or more than 30 feet including drainage and shoulders.

(I) Cul-de-sacs may be used where natural features or the design concepts employed make their use appropriate. Cul-de-sacs shall provide a terminal turnaround having a right-of-way radius as prescribed by Virginia Department of Transportation standards. The permitted length of a cul-de-sac shall be a maximum of 800 feet on a public road.

(J) All roads more than 300 feet in length from an intersection, that terminate temporarily, shall be provided with a temporary terminal cul-de-sac having a radius as prescribed by Virginia Department of Transportation standards.

(K) Alleys with a right-of-way or easement width of not less than 20 feet may be provided in the rear or side of all commercial, industrial, and residential lots. The design specifications shall be determined by the Site Plan Agent, subject to the following:

- (1) The alley design shall allow emergency services vehicles such as police cars, fire trucks and ambulances to use the alley; and

- (2) An alley need not be designed to accommodate the largest emergency services vehicles, except that if fire trucks do not have adequate access to one or more lots from a public road or private road, the Site Plan Agent shall require that the alley be designed to accommodate fire trucks. Alley rights-of-way may either be established as a privately held fee simple interest or as a privately held easement.

(L) The Site Plan Agent may require a developer to dedicate to Northampton County in fee simple or by easement any portion of the property set apart for public roads, alleys, for public use or any other use indicated on a recorded plat which creates a public right of passage over the land. Such dedication shall include any curb, gutter, sidewalk, or bicycle trail indicated on a recorded plat.

(M) Adequate drainage control shall be provided for all roads as determined to be necessary by the Site Plan Agent. All of these improvements shall meet the standards of Northampton County or, in the event no Northampton County standards exist, Virginia Department of Transportation standards.

#### **§154.1-603 INTERIOR TRAVEL WAYS.**

For interior travel ways constructed as part of any development that is required to submit an engineered site plan pursuant to NCC §154.1-508 Site Plan, the pavement of vehicular interior driveways or travel ways shall be designed and constructed to permit vehicular travel on the site and to and from adjacent property and parking areas and shall be not less than 20 feet in width unless restricted to one way traffic.

#### **§154.1-604 OFF-STREET PARKING.**

Off-street parking standards shall be required for any development, that is required to submit a site plan sketch or an engineered site plan pursuant to NCC §154.1-508 Site Plan.

(A) General standards are as follows:

- (1) All off-street parking spaces shall be provided with safe and convenient access onto a public street which has been properly permitted by the Virginia Department of Transportation.
- (2) Off-street parking spaces appurtenant to any use permitted in a zoning district shall be provided on the same lot with the use to which it is appurtenant, except the Site Plan Agent may allow off-street parking spaces as follows:
  - (a) The required number of off-street parking spaces for any number of uses may be combined in one lot, provided that each space is permanently available for the assigned use. The number of off-street parking spaces required may be reduced for a church and a meeting place of a civic or fraternal organization by reason of different hours of normal activity than those of other uses participating in the combination of required spaces.

- (b) Cooperative parking may be used to accommodate off-street parking as described in NCC §154.1-604 (B) below.

(B) Cooperative parking may be allowed as follows:

- (1) Off-street parking spaces required under the provisions of this Chapter may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such spaces, if such arrangements are approved by the Site Plan Agent.
- (2) The amount of such combined off-street parking spaces shall be equal to the sum of the amounts required for the separate uses unless the Site Plan Agent determines that a reduced number of parking spaces are adequate due to different hours of normal activity for the uses participating in the combination.

(C) Off-street parking shall be constructed using the following standards:

- (1) Off-street parking spaces, parking aisles and parking driveways shall be constructed with a durable surface in a manner to reduce erosion, reduce impervious surfaces, reduce the generation of mud and dust and of such type of construction that the same will be available for safe and accessible use at all times.
- (2) Off-street parking spaces shall be designed so that no part of any vehicle shall encroach into other parking spaces, parking aisles, parking driveways, walkways, interior travel ways, roads and adjacent properties
- (3) Safety barriers, bollards, wheel stops, bumpers and the like shall be utilized when appropriate to prevent conflicts with a vehicle into pedestrian and vehicular use areas and adjacent properties.
- (4) Off-street parking spaces shall be delineated by painted lines, bollards, wheel stops, signage or other means appropriate for the materials used to construct the off-street parking spaces, except that all off-street parking spaces shall be delineated with painted lines when constructed of a surface to which paint will adhere to and there are more than ten off-street parking spaces on a lot or parcel.
- (5) Illuminated off-street parking spaces shall be required to meet the standards found in  
NCC §154.1-607 Outdoor Lighting.
- (6) Off-street parking spaces shall be required to meet the standards for landscaping found in NCC §154.1-606 Perimeter Screening.

- (7) Off-street parking spaces, parking aisles and parking driveways shall be adequately engineered so as not to allow flowing or standing water that could impede the travel of vehicles and pedestrians or otherwise pose safety hazards that would cause adverse effects on neighboring properties.
- (8) Off-street parking spaces shall have minimum dimensions of 9 feet by 20 feet, except that parallel off-street parking spaces shall be at least 9 feet by 22 feet. Each space shall be unobstructed, shall have access to a public street, and shall be arranged so that any vehicle 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 premise.
- (9) Parking spaces for handicapped persons shall be in accordance with standards specified in the Uniform Statewide Building Code.
- (10) Minimum parking aisle widths shall be according to the following table.

Parking Angle (in degrees)	Aisle Width (in feet)
0 – 44	NA
45 – 59	13.5
60 – 69	18.5
70 – 79	19.5
80 – 89	21
90	22

- (D) Standards to determine the number of required spaces shall be as follows:
  - (1) Banks. One parking space for each 250 square feet of gross floor area.
  - (2) Barber shops, beauty shops, health spas and centers. One space per 200 square feet of gross floor area plus 1 space per employee.
  - (3) Delivery and transport facilities. One space per each three employees plus 1 space per each vehicle maintained.
  - (4) Churches, auditoriums, or similar places of assembly. At least 1 space for each four patrons allowed per occupancy limitations.
  - (5) Food or chain stores. Five spaces per each 1,000 square feet of gross floor area or fraction thereof.

- (6) Furniture stores. Two spaces each 1,000 square feet of floor area, plus 1 space for each employee working on the work shift with the maximum number of employees.
- (7) Hospitals, nursing, convalescent homes. One space for each 4 beds, including cradles, children's beds, plus 1 space for each employee working on the work shift with the maximum number of employees.
- (8) Industrial uses. One space for every 1,000 square feet of gross building area.
- (9) Marina uses. One space per slip plus parking for additional uses.
- (10) Medical and dental clinics. One space for each 100 square feet of floor area or fraction thereof, plus 1 space for each employee working on the work shift with the maximum number of employees.
- (11) Office buildings. Four spaces for each 1,000 square feet of net office floor area or fraction thereof.
- (12) Industrial production or processing of materials, goods, or products. One space per each employee on the largest shift, plus at least two customer parking spaces.
- (13) Restaurants. Ten spaces per each 1,000 square feet of gross floor area or fraction thereof.
- (14) Single-family dwelling. One space that may be accommodated within the boundaries of the driveway.
- (15) Testing, repairing, cleaning, servicing of materials, goods, and products. One space per each employee, plus at least two customer parking spaces.
- (16) Any inn, historic inn, motel, bed and breakfast or hotel with more than 4 rooms. One space for each accommodation unit, plus 1 space for each employee working on the night work shift.
- (17) Town houses and other multi-family residential. Two spaces per every two bedroom unit on average.
- (18) Warehousing and wholesaling operations. One space per each employee, plus a minimum of two visitor parking spaces.
- (19) When more than one use is conducted on a lot, the lot shall satisfy the combined parking requirement for each use.
- (20) Whenever the required number of off-street parking spaces is not specifically

stated in this section, the Site Plan Agent shall make a determination of the number of spaces to be provided based upon her determination of the closest similar use for which required spaces are stated.

- (21) The Site Plan Agent shall have the authority to reduce the minimum required number of off-street parking spaces by up to 20%, if it is determined during the site plan review process that the required number of spaces is clearly excessive for a particular use proposed, based upon the following factors: maximum staffing, seating capacity, gross floor area, hours of operation, and the availability of cooperative parking.
- 22) Event venue. One parking space for each three attendees based on the maximum number of attendees approved for the site.**

#### **§154.1-605 OFF-STREET LOADING.**

Off-street loading standards shall be required for any development that is required to submit an engineered site plan pursuant to NCC §154.1-508 Site Plan.

- (A) Off-street loading spaces shall be provided with safe and convenient access onto a public street which has been properly permitted by the Virginia Department of Transportation.
- (B) Off-street loading shall be constructed using the following standards:
  - (1) Off-street loading spaces, parking aisles and parking driveways shall be constructed with a durable surface in a manner to reduce erosion, reduce impervious surfaces, reduce the generation of mud and dust, reduce impacts to adjacent properties, reduce noise and of such type of construction that the same will be available for safe and accessible use at all times.
  - (2) Off-street loading spaces shall not be less than 12 feet wide, 25 feet long and 14 feet high, and have direct usable access to a street or alley.
  - (3) Off-street loading spaces shall be designed so that no part of any vehicle shall encroach into other parking spaces, parking aisles, parking driveways, walkways, interior travel ways, roads and adjacent properties
  - (4) Safety barriers, bollards, wheel stops, bumpers and the like shall be utilized when appropriate to prevent conflicts with a vehicle into pedestrian and vehicular use areas and adjacent properties.
  - (5) Off-street loading spaces shall be delineated by painted lines, bollards, wheel stops, signage or other means appropriate for the materials used to construct the off-street loading spaces, except that all off-street loading spaces shall be delineated with painted lines when constructed of a surface to which paint will

adhere.

- (6) Illuminated off-street loading spaces shall be required to meet the standards found in NCC §154.1-607 Outdoor Lighting.
  - (7) Off-street loading spaces shall be required to meet the standards for landscaping found in NCC §154.1-606 Perimeter Screening.
  - (8) Off-street loading spaces shall be adequately engineered; so as not to allow flowing or standing water that could impede the travel of vehicles and pedestrians or otherwise pose safety hazards that would cause adverse effects on neighboring properties.
  - (9) No required off-street loading space shall be located in a required setback area when adjacent to a public street.
  - (10) All off-street loading spaces shall be marked as a "Loading Space."
- (C) Standards to determine the number of required spaces shall be as follows:
- (1) Off-street loading spaces shall be provided on the premise of any non-residential use occupying more than 30,000 square feet of lot area which during the course of any operating day receives or distributes goods or materials by trucks more than 25 feet in overall length. One additional space shall be provided for each additional 20,000 square feet of lot area utilized by the use or remaining fraction thereof exceeding 10,000 square feet.
  - (2) The Site Plan Agent shall have the authority to reduce the minimum required number of off-street loading spaces by up to 20% if it is determined during the site plan review process that the required number of spaces is clearly excessive for a particular use proposed, based upon the following factors: maximum staffing, seating capacity, gross floor area, hours of operation.

#### **§154.1-606 PERIMETER SCREENING.**

Perimeter screening standards shall be required as specified herein for any development that is required to submit an engineered site plan pursuant to NCC §154 .1-508 Site Plan.

(A) Any plant material installed to comply with this section must be maintained. If removed and not replaced it shall be considered a violation of this Chapter.

(B) If perimeter screening is required, the developer shall submit a landscape plan in conjunction with and coordinated with the site plan submittal. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan when required.

- (1) The landscaping plan shall be drawn to scale and clearly delineate the location, size and description of existing plant material. All existing individual trees that

are clearly not a part of a group or stand of trees measuring 2 inches or greater diameter breast height shall be shown and identified on the landscaping plan. Groups or stands of existing trees may be outlined as such instead.

- (2) The specific number of trees 2 inches or greater diameter breast height 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.
  - (3) All proposed plant material must be located on the landscape plan along with details that specify how the plants are to be installed.
  - (4) As part of the landscape plan a planting schedule must be provided that denotes the common and scientific names, spacing and installation sizes of all proposed plant material.
  - (5) The landscape plan shall depict grade changes or other work adjacent to existing trees which might affect them adversely and shall show measures to be taken to protect existing trees during all phases of construction which shall comply with the specifications in the Virginia Erosion and Sediment Control Handbook (as amended).
- (C) General perimeter screening standards are as follows:
- (1) Existing vegetation can be used to satisfy installation requirements;
  - (2) Plant material required by Chapter 158: Chesapeake/Atlantic Preservation Areas (CAP) may be used to satisfy installation requirements;
  - (3) Plant material may be placed within setbacks and the resource protection area 100 foot buffers except that plant material placement shall not be permitted in areas that would obstruct a motorist's vision pursuant to NCC §154.1-402 (S) and (T) Setbacks.;
  - (4) Native species shall be used to fulfill perimeter screening requirements, **except that any Type C perimeter screening required in association with intensive farming uses, facilities, structures and buildings is permitted to use the non-native species *Miscanthus x giganteus* as part of perimeter screening plant material;**
  - (5) All proposed 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; and
  - (6) At the time of planting, measured in accordance with standards provided in the most recent edition of American Standard for Nursery Stock published by the

American Nursery and Landscape Association, plant material shall be:

- (a) Canopy trees at least 1 ½ inches – 2 inches in caliper or large evergreen 6 feet in height;
- (b) Understory trees minimum of ¾ inches – 1 ½ inches in caliper or evergreen 4 feet in height;
- (c) Large shrubs minimum of 3 feet – 4 feet or 3 gallon container;
- (d) Small shrubs or woody groundcover a minimum of 15 inches – 18 inches or 1 gallon container;
- (e) Plant material shall be at least 20% canopy trees, 20% understory trees and 20% shrubs. The remaining 40% of the plant material shall be selected in a manner to create the specific perimeter screening types defined in subsection (D) (4) below; and
- (f) A minimum of six different species must be selected as plant material in order to avoid the creation of an unhealthy monoculture which may promote disease.

(D) Perimeter screening installation shall be required as follows:

- (1) Refuse collection facilities and outside storage of salvage and unlicensed or inoperable vehicles or equipment shall be screened from view by an opaque enclosure composed of evergreen vegetation, fence, wall or a combination of the same, except as where screened from view by an intervening building or structure; and excluding views from adjacent properties zoned or used for industrial purposes.
- (2) On a lot or parcel providing off-street parking spaces, off-street loading spaces or other vehicular use areas, screening as described below shall be required along any property boundary visible from or abutting a public road, street or highway, unless such area will not be entirely screened visually from all adjacent public rights-of-way by an intervening structure, building or existing vegetation.
  - (a) A planting area at least 3 feet in depth shall be located between the abutting right-of-way and any off-street parking spaces, off-street loading spaces or other vehicular use area, except where permitted driveway openings and pedestrian ways are to be provided;
  - (b) The planting area shall be a combination of trees and hedge or approved wall, fence or earthen berm may be utilized to form the continuous element; and

- (c) All portions of the planting area not planted with hedge and trees or covered by wall or fence shall be planted in grass and / or groundcover or mulched.
- (3) Parking lot plantings shall be provided along any side of off-street parking spaces, off-street loading spaces or other vehicular use area that abuts adjoining property and not a right-of-way of a public street, road or highway. Such plantings shall be provided as follows.
- (a) Peripheral parking lot planting area at least 5 feet in depth shall be located between the abutting property lines and the parking, loading or other vehicular use area, except where permitted driveway openings are to be provided. Where drainage or other utility easements exist along property lines, the planting area shall be located between the parking, loading or other vehicular use area and the utility or drainage easements.
  - (b) Interior parking lot planting islands shall be provided such that no more than ten spaces shall be permitted without being interrupted by a planting island. Planting islands shall consist of shrubs, canopy trees, and understory trees.
- (4) Perimeter screening shall be required to separate a proposed use from different land uses or zoning districts.
- (a) Perimeter screening shall vary in depth and in planting materials in accordance with the types of perimeter screening defined below.
  - (b) Perimeter screening shall be located along the perimeter of a lot or parcel and shall extend to the boundary line of the lot or parcel. Perimeter screening shall not be located on any portion of an existing road right-of-way. Where utility or drainage easements exist along property lines, the perimeter screening shall be located adjacent to the utility or drainage easement.
  - (c) Required perimeter screening shall be designated as part of platted lots and / or on an approved site plan. The following notation shall be lettered on the face of both the preliminary and final subdivision plats and / or site plans:
 

PERIMETER SCREENING: The use and maintenance of the perimeter screening area shall be in accordance with NCC §154.1-606 Perimeter Screening of the NCC.
  - (d) Perimeter screening may be one of two kinds, opaque or semi-opaque.
    - (1) Opaque perimeter screening is intended to create a strong

- impression of spatial separation and to preclude visual contact.
- (2) Semi-opaque perimeter screening is intended to maintain a sense of spatial separation and to partially block visual contact.
- (e) Compliance of planted perimeter screening will be evaluated on the basis of average height and density of plant material upon maturity.
- (f) The following perimeter screening types are established by degrees of density for screening between different uses.
- (1) Type A perimeter screening shall be semi-opaque. At maturity, type A screening shall not contain any completely unobstructed opening more than 20 feet in width and 8 feet in height from the ground level.
- (2) Type B perimeter screening shall be semi-opaque in all seasons of the year. Upon maturity type B screening shall not contain any unobstructed openings more than 10 feet in width and 8 feet in height from the ground level.
- (3) Type C perimeter screening shall be opaque in all seasons of the year. Upon maturity in type C screening shall not contain any unobstructed openings and from the ground level up to 8 feet in height.
- (g) Notwithstanding the above, the use of a proposed development must provide perimeter screening along property boundaries to adjacent properties based on the existing zoning of the adjacent properties as set forth in the chart below.

Existing Zoning Districts Adjacent to Proposed Development	Use of Proposed Development						
	<i>Intensive Farming</i>	<i>Agricultural</i>	<i>Commercial</i>	<i>Institutional and Public</i>	<i>Industrial</i>	<i>Residential Single - family</i>	<i>Residential Multi - family</i>
CNSV	C	-	-	-	C	B	B
AG	-	-	-	-	-	A	A
R-5	C	-	-	A	A	A	A
H, V, R, CTCM	C	A	B	-	C	B	B
<del>V-NB-V-WB</del>	C	-	A	-	C	A	A
R-1, R-3	C	A	B	-	C	A	A
RM	C	A	B	-	C	C	C

V-C	C	-	-	A	C	B	B
C	C	-	-	A	A	B	B
I	C	-	-	B	-	C	C
<p>The <u>developer</u> shall provide <u>perimeter screening</u> types along <u>property</u> boundaries as indicated in the chart above based on the zoning of the adjacent properties.</p>							

**§154.1-607 OUTDOOR LIGHTING.**

Except as provided in subsection (E) below, outdoor lighting standards shall be required for any development which involves installation and replacement of outdoor lighting fixtures. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of a fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output.

(A) Outdoor lighting standards.

(1) Shielding standards.

- (a) All nonexempt outdoor lighting fixtures with an initial output greater than or equal to 7,000 lumens shall be full cutoff.
- (b) All nonexempt outdoor lighting fixtures with an initial output between 2,000 and 7,000 lumens shall be semi-cutoff, cutoff, or full cutoff.
- (c) All outdoor lighting fixtures with initial output less than 2,000 lumens shall be semi-cutoff.
- (d) All outdoor lighting fixtures that have semi-cutoff, cutoff, or full cutoff restrictions shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained.
- (e) Beyond the cutoff requirements set forth in subsection (D)(1)(a) through (d) above, all light fixtures shall be located, aimed, or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house-side shielding to minimize light trespass on residential properties.

- (2) Maximum maintained illuminance levels. No outdoor lighting shall be installed to exceed the maximum maintained illuminance levels recommended by the Illuminating Engineering Society of North America (IESNA) for the designated activity. When no maximum level is defined by IESNA, no lighting shall be installed to exceed 175% of the minimum maintained illuminance levels as

recommended by the IESNA for the designated activity unless otherwise permitted in this code.

- (3) A design goal of .75 foot-candle (fc) (a foot-candle is one lumen of light density per square foot) at any location on any non-residential property and .25 fc at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. However, in no case shall lighting exceed 0.5 fc above background when measured at the lot line of any adjoining property.
- (4) Lighting levels shall be reduced to security levels within 30 minutes after the close of business or the end of the business activity.
- (5) The following lighting standards shall apply to all exterior lighting sources, including but not limited to lighting for parking, access drives, and walkways, gasoline canopy lighting, and internally and externally illuminated signs. All site plans shall include a lighting plan, drawn at the same scale as the site plan, to demonstrate compliance with the following standards.
  - (a) All lighting shall be designed, located, and arranged so as not to direct glare on adjoining streets or residential districts. The intensity at adjoining streets or residential properties shall not exceed 0.5 foot-candles.
  - (b) Lighting fixtures shall comply with the shielding requirements stated in the table below. Exempted from these requirements are: public street or road lighting installed by a government entity and airport lighting; lighting activated by motion sensor devices; temporary circus, fair, carnival, or civic uses; construction or emergency lighting; temporary lighting; and lighting required for agricultural operations.
  - (c) For the purposes of this Chapter, a FULLY SHIELDED FIXTURE shall be defined as an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.

Table of Shielding Requirements	
Fixture Type Lamp	Shielding Requirement
Low / high pressure sodium, mercury vapor	Fully Shielded
Metal halide and florescent - over 50 watts	Fully Shielded
Incandescent over 160 watts	Fully Shielded
Incandescent 160 watts or less	None Required

Any light source of 50 watts or less	None Required
Note: Incandescent includes tungsten-halogen (quartz) lamps.	

(B) Specific uses.

(1) Recreational sports facilities lighting.

(a) Outdoor light fixtures must be full cutoff or provided with internal and / or external glare control louvers and installed so as to minimize uplight and offsite light trespass and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.

(b) The installation shall also limit off-site spill (off the parcel on which the sports facility is located) to the maximum extent possible consistent with the illumination constraints of the design. A design goal of 0.75 foot-candle (fc) at any location on any non-residential property and 0.25 fc at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. However, in no case shall lighting exceed 0.5 fc above background when measured at the lot line of any adjoining property.

(2) Service station canopies. Maximum maintained illuminance levels of 35 fc.

(3) Outdoor advertising signs.

(a) Internally illuminated signs shall have dark backgrounds with light lettering.

(b) Externally illuminated signs shall be lighted from the top down, and lighting shall be directed to minimize glare and light spill to non-sign areas.

(4) Shielded and directional fixtures are required and must be installed and aimed so as to minimize glare, sky glow, and light trespass.

(C) For installations over 100,000 total initial lumens of outdoor lighting, the applicant must provide a photometric lighting plan in accordance with the requirements of subsection (E) below, and the installer must certify that the lighting system design and installation conform to all applicable provisions of this section.

(D) Requirements for photometric plan.

(1) In addition to the requirements in subsection (C) above, a photometric plan may

be required in accordance with one of the following, at the discretion of the Site Plan Agent.

- (a) As part of the submission of a plan of development, site plan, special use application, zoning map amendment application or building permit application when outdoor lighting is regulated by this Chapter.
  - (b) As part of a separate submission where a plan of development, site plan, special use application, zoning map amendment application, sign permit or building permit application are not required but the outdoor lighting is regulated by this Chapter.
- (2) A photometric plan shall be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a Virginia licensed professional engineer and shall contain the following information:
- (a) Plans indicating the location on the premises of all lighting fixtures, both proposed and already existing on the site, including a schematic layout of proposed outdoor lighting fixture locations that demonstrate adequate intensities and uniformity, and the light coverage resulting from the proposed lighting layout.
  - (b) Description of all lighting fixtures, both proposed and existing, which shall include but are not limited to catalog cuts and illustrations by manufacturers that describe the equipment, including, lamp types, wattages and initial lumen outputs, glare control devices, lamps, switching devices, proposed placement of all fixtures, including engineering detail of fixtures, manufacturer, model, and installation of same. This description may include but is not limited to manufacturers catalog cuts, and drawings including sections where required.
  - (c) Photometric data, such as that furnished by manufacturers, or similar showing the angle cut-off light emissions and glare-control devices.
  - (d) Mounting heights and methods, proposed hours of operation and maintenance schedule.
  - (e) The provision for adequate measures to mitigate nuisance from light pollution and disabling glare to both on-site and off-site uses.
  - (f) A site plan drawn to scale showing building(s), landscaping, parking areas, and proposed exterior lighting fixtures.
  - (g) Location of all post, canopy, supports and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas.

- (h) Specifications of the illuminating devices, lamps, supports, and other devices, including designation as IESNA "cut-off" fixtures.
  - (i) Plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in foot-candles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the minimum and maximum foot-candle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the foot-candle value of all the points in the grid and dividing by the total number of points.
- (3) Two copies of the photometric plan shall be submitted to the Site Plan Agent for review and approval. When submitted in conjunction with an overall plan of development, site plan, special use application, zoning map amendment application, sign permit or building permit no additional fee will be charged, the number of copies shall be determined by the Site Plan Agent and the photometric plan will be reviewed and approved as part of the other overall plan, permit or application. When a photometric plan is required by itself, a fee as established by the governing body will be charged. The review and approval shall be conducted following the same process as provided for a site plan.
- (4) Upon written request with justification, the Site Plan Agent may modify submission requirements of subsection (D) (2) above, if it is determined that some information is not necessary for the adequate review of the photometric plan.
- (E) The following shall be exempt from the requirements of this section, provided that such fixtures do not cause unsafe glare:
- (1) Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state, or Northampton County agencies.
  - (2) Temporary holiday lighting fixtures.
  - (3) Motion activated light fixtures located on lots developed when such lighting fixtures emit initial lighting levels of 6,000 lumens or less, are extinguished within 5 minutes upon cessation of motion and are aimed downward to minimize illumination of the sky.
  - (4) On lots developed with private residential dwellings, outdoor lighting fixtures with initial light outputs of 2,000 lumens or less. A 2,000 lumen output is the approximate light level produced with a 100 watt incandescent light bulb.

#### **§154.1-608 UTILITIES.**

The following utilities standards shall be required for any development that is required to submit an engineered site plan pursuant to NCC §154.1-508 Site Plan.

(A) All utilities, including but not limited to wires, cables, pipes, conduits and appurtenant equipment for electricity, gas, water, sewage, telephone or similar service, shall be located within a development as follows:

(1) Utility lines shall be located underground unless required by the utility company to be otherwise located and except for those utilities identified in subsections (a), (b) and (c) below, shall be placed underground including, but not limited to, electric service lines, CATV, telephone, or other lines. This requirement shall apply to lines serving individual sites within the development and to utility lines providing service to the development. The following utilities may be located above-ground:

- (a) Electric transmission lines, the placement of which is regulated by the State Corporation Commission;
- (b) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, outdoor lighting poles or standards, radio antennae and associated equipment, which is under accepted utility practices, normally installed above-ground; and;
- (c) Meters, service connections, and similar equipment normally attached to the outside wall of a utility customer's premises; and satellite dishes.

(B) If it is necessary to locate a new or existing public utility within the right-of-way of a road maintained by the Virginia Department of Transportation, the developer shall first obtain a permit from the Virginia Department of Transportation.

(C) All utilities, poles, or underground conduits for electric power lines or telephone lines shall be placed in alleys if such are provided, or in easements appropriately located, generally along the rear side to lot lines, whenever possible.

(D) All public utilities and facilities shall be located and constructed to minimize flood damage.

#### **§154.1-609 WATER AND SEWAGE.**

Any development shall adhere to applicable sewage and water standards established by the Virginia Department of Health.

**§154.1-610 FIRE PROTECTION.**

Fire protection standards shall be required for any development that is required to submit an engineered site plan pursuant to NCC §154.1-507 B (1) (a) Site Plan.

(A) If public water is available, at a pressure and volume flow rate meeting the American Insurance Association standards, the developer shall install fire hydrants at locations approved by the Site Plan Agent as necessary to provide adequate fire protection. The Site Plan Agent shall consult with the Fire Marshall before approving such locations. The location and design of all fire hydrants shall meet the American Insurance Association specifications.

(B) If public water is not available, and the development contains a source of water from a dry well, retaining pond, or other natural or engineered feature, the Site Plan Agent may require the dedication of an easement of access to such source, for the benefit of any fire department responding to an emergency within the development.

**§154.1-611 EROSION AND SEDIMENT CONTROLS.**

Erosion and sediment control standards shall be governed by NCC Chapter 153, Erosion and Sediment Control.

**§154.1-612 CHESAPEAKE / ATLANTIC BAY PRESERVATION AREAS (CAP).**

If development is located within the Chesapeake / ~~Atlantic Bay~~ Preservation Areas (CAP), standards shall be governed by NCC Chapter 158, Chesapeake / ~~Atlantic Bay~~ Preservation Areas, which is hereby incorporated as a part of this Chapter by reference.

**§154.1-613 FLOODPLAIN MANAGEMENT.**

Floodplain management standards shall be governed by NCC Chapter 159, Floodplain Management, **which is hereby incorporated as part of this Chapter by reference.**

**§154.1-614 STORMWATER MANAGEMENT.**

Stormwater management standards shall be governed by the Virginia Stormwater Management Program Regulations.

**§154.1-615 DAM SAFETY.**

Dam safety standards shall be governed by The Virginia Dam Safety Act, Va, Code §§10.1-604 et seq.

## *ARTICLE VII SIGNS*

### **§154.1-701 PERMITS REQUIRED FOR SIGNS.**

(A) No sign greater than 2 ½ square foot in area may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this Chapter and with a valid sign permit.

(B) Applications for a sign permit shall be submitted to the Zoning Administrator and shall include detailed renderings, including colors, sizes, lighting and location for all signs. Sign requests for a multi-use or tenant development projects shall be submitted in conjunction with the first site plan submitted for approval within the project.

(C) The following signs are **exempt** from regulation under this ordinance:

- (1) Signs 2 ½ square feet or less in area and not located on primary highways;
- (2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, traffic, directional, or regulatory signs;
- (3) Official signs required by federal or state regulation;
- (4) Flags of the United States and other nations, the Commonwealth of Virginia, Northampton County and other political subdivisions of the United States and of bona fide civic, charitable, fraternal and welfare organizations. All such flags shall be mounted in a permanent fashion with no more than two flags on a single pole. No more than 3 flag poles are permitted on any single lot or parcel. Flags shall be maintained in good repair and shall not constitute a hazard to vehicular or pedestrian traffic.
- (5) Directional on premise signage which does not exceed 4 square feet in size and 6 feet in height.
- (6) Signs including lighting erected in connection with the observance of legal holidays, provided such signs and lighting shall meet size, illumination, and height requirements as may be required by this ordinance. Such signs or lighting shall be erected no earlier than 45 days before the legal holiday and removed within 15 days following such holidays;

- (7) Signs displayed on a truck, bus, or other licensed vehicle while in use in the normal conduct of business.
- (8) Historical markers identifying properties or structures which have been recognized as historically significant on National, State, or local registries, or in policy documents adopted by the Board of Supervisors, such as the Comprehensive Plan. Historical markers shall be allowed a maximum height of 8 feet, and shall not exceed 4 square feet in area.
- (9) Crop identification signs which are located in the agricultural fields, are placed in direct relation to bona fide crop production areas, do not exceed 6 square feet in size and are not in place for more than 120 consecutive days.

**§154.1-702 TEMPORARY SIGNS.**

(A) The following temporary signs are permitted without a zoning permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance.

- (1) Real estate advertising signs.
  - (a) On premise signs.
    - 1. On premise signs advertising the sale, lease, or rental of property shall be limited to one sign per lot per street frontage or frontage on navigable waterway.
    - 2. Signs shall not exceed 4 square feet in size and a maximum of 4 feet in height except for agricultural, commercial and industrial zoning districts in which signs shall not exceed 32 square feet in size and a maximum of 10 feet in height.
    - 3. The height of all signs shall be measured from ground level to the top of the sign structure.
  - (b) Off-premise signs.
    - 1. Off-premise signs advertising the sale, lease, or rental of property shall be allowed in conjunction with a bona fide "open house" showing and shall not be erected for more than 3 days in any 7 day period.
    - 2. Signs advertising a multiple number of lots for sale in a development may be placed at the entrance as large as 32 square feet in area and 10 feet in height.

- (2) Construction site or development project identification signs.
  - (a) Such signs shall not be erected before the issuance of a land disturbing permit for the property and shall be removed within 10 days after the issuance of the final inspection or certificate of occupancy by the Building Official.
  - (b) One project identification sign shall be permitted per construction site or development project and limited to 16 square feet in area and 10 feet in height.
  - (c) In addition, in the case of multiple principals at the construction site or for the development project (e.g., owner, developer, architect, engineer, contractor, or real estate or leasing agent) all identification information shall be contained on one additional sign, limited to 16 square feet in area and 10 feet in height.
- (3) Political campaign signs.
  - (a) Such signs shall not be located within public rights-of-way or attached to public utility structures and shall be limited to freestanding signs not more than 16 square feet in area except in agricultural, commercial and industrial zoning districts which shall not exceed 32 square feet in area.
  - (b) No such sign shall be permitted to encroach into the sight triangle of any street intersection.
  - (c) Such signs shall be removed within 7 days following an election, canvass or primary.
- (4) Special event signs, including flags, indicating an event to be located on property where the special event such as a grand opening, fair, carnival, festival, seasonal sale of local products or similar event is to take place may be erected no more than 30 days prior to the special event and shall be removed no later than 48 hours after the special event has concluded.

**§154.1-703 GENERAL SIGN RESTRICTIONS AND PROHIBITIONS PERTAINING TO ALL SIGNS.**

- (A) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited.
- (B) Signs that are attached to or utilize utility poles are prohibited.

- (C) No signs or supporting structures shall be located within or over any public right-of-way unless authorized by the holder of the right-of-way.
- (D) No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- (E) No sign may be located within the sight triangle that interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit for public or private roads.
- (F) Portable signs and off-premise signs shall be prohibited unless otherwise specifically allowed by this Chapter. **Portable signs containing public service messages shall be allowed.**

**§154.1-704 PERMITTED SIGN STANDARDS.**

- (A) Façade identification signs.
  - (1) Each non-residential establishment, except for planned developments, home occupations, and shopping centers, regulated separately in this section, shall be allowed a total of one façade sign attached to a wall or building unit containing the establishment.
  - (2) Such signs shall be limited to not more than 10% of the area of the structure fronting or facing a road or highway, or 200 square feet, whichever is less, and shall meet the following standards:
    - (a) All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images.
    - (b) In the case of multiple occupancy buildings which are not shopping centers, each occupant of a building shall be allowed a total of one façade sign attached to an exterior wall. Such sign shall be limited to 10% of the area of the wall to which it is attached or 200 square feet, whichever is less.
    - (c) Each establishment or, in the case of multiple occupancy buildings which are not shopping centers, each building, is allowed one projecting sign which meets the following standards:
      - 1. Each projecting sign shall not exceed 10% of the area of the wall fronting or facing a public street or highway, or 40 square feet in area, whichever is less.
      - 2. All projecting signs shall be mounted such that the bottom of the

sign is at least 8 feet above grade.

- (d) Canopy or awning signs shall be allowed in addition to the one façade sign or one projecting sign.
- (e) Mural art painted building walls, reflecting the nature of the area, are exempted from the above restrictions if they do not contain words. Specifically permitted, by example, are renderings of wildlife, shore scenes, historic town scenes or similar which shall be done in relatively accurate detail and color schemes.

(B) Freestanding identification signs

- (1) Each non-residential establishment, except for planned developments, home occupations, and shopping centers shall be allowed a total of one freestanding sign per lot or parcel not exceeding 64 square feet and 30 feet in height. In addition each business located on U.S. 13 or Business U.S. 13 may have one informational sign for approaching traffic from each direction within 1 mile of the business advertised subject to Virginia Department of Transportation regulations, property owner's permission, and not to exceed 32 square feet.

(2) Design standards for freestanding signs

- (a) All freestanding signs, except for home occupation signs, shall be monument-type signs, double-post signs, or single-post signs, and shall comply with the following standards:
- (b) Signs incorporated into a free-standing wall or completely solid structure which is set upon footings shall be entitled to a 30% larger face area than otherwise provided for in this Article provided the following conditions are met:
  - 1. The width of the base of the sign shall be equal to or greater than the width of the sign face.
  - 2. The height of the base of the sign shall be less than or equal to the height of the sign face unless architectural pillars are used.
  - 3. The total height of the sign, including the base, shall be less than the width of the base.
  - 4. The sign shall be masonry, wood, high density urethane (HDU), or composite panel **or other suitable materials.**
  - 5. Shrubs, flowers, or other landscaping materials which do not

obscure the sign face shall be incorporated into the sign installation area.

6. All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.

(c) Double-post signs

1. Total sign structure height shall not exceed 16 feet.
2. Sign shall be wood, high density urethane (HDU), or composite panel **or other suitable materials**.
3. All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.

(d) Single-post signs

1. Sign structure shall be a single, vertical mounting pole.
2. Sign face shall not be attached directly to the vertical mounting pole and shall utilize a mounting arm attached perpendicular to the vertical mounting pole.
3. All signage on an individual parcel shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images and shall all be constructed utilizing the same materials.

(C) Home occupations

- (1) Home occupations are allowed one freestanding sign per parcel, limited to no more than 4 square feet and 4 feet in height.
- (2) Home occupation signs shall not be illuminated.

(D) Sales of agricultural products shall be allowed one freestanding sign and one façade sign, no larger than 4 square feet in size and a maximum of 6 feet in height. One off-site sign no more than 1 mile from site in each direction is allowed to advise motorists in advance of sale location.

(E) Shopping Centers

- (1) All signage within or related to a shopping center shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images, and freestanding signage shall all be constructed utilizing the same materials.

- (2) Individual establishments within a shopping center shall each be allowed one façade identification sign which does not exceed 10% of the area of the wall frontage dedicated to that establishment and not extend over more than 85% of the horizontal width of the building front.
  - (3) In addition to a façade identification sign, individual establishments within a shopping center shall each be allowed one projecting sign which does not exceed 10% of the area of the structure frontage dedicated to that establishment.
  - (4) Shopping centers shall be allowed one freestanding identification sign per road frontage, each limited to no more than 150 square feet in size and 30 feet in height.
  - (5) Freestanding identification signs for shopping centers which include more than one name or logo on the sign face shall utilize a coordinated design for all lettering and logo colors, sizes, fonts, and images installed on the sign.
  - (6) Out parcels platted as part of a shopping center shall be allowed one façade identification sign per establishment and one freestanding sign per road frontage with no sign greater than 60 square feet.
- (F) Directional signs shall not be counted as signs for the purpose of calculating the total number of signs in place.
- (G) Residential uses such as residential subdivisions, multi-family developments, and mobile home parks shall be allowed one freestanding identification sign per public entrance which shall be consistent with freestanding sign standards herein.

**§154.1-705 COMPUTATION OF SIGN AREA.**

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display. The area shall not include any supporting framework, bracing or decorative wall that is clearly incidental to the display itself.

**§154.1-706 SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.**

- (A) Signs shall adhere to lighting standards pursuant to NCC §154.1-607 Outdoor Lighting of this Chapter.
- (B) Unless otherwise prohibited by this Chapter, signs shall be illuminated using white lighting and such illumination shall not be directed skyward.

(C) Internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. This subsection shall not apply to the following types of signs:

- (1) Signs that constitute an integral part of a vending machine, telephone booth, and signs that only indicate the time, date, or weather conditions, or similar device whose principal function is not to convey an advertising message.
- (2) Signs that do not exceed 2 square feet in size and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.

**§154.1-707 MAINTENANCE OF SIGNS AND REQUIRED PERMITS.**

(A) All signs and all components thereof, including, without limitation, supports, braces, and anchors, shall be kept in a state of good repair. Components of freestanding signs, (e.g., supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

(B) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 2 years of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to enable the replacement of a nonconforming sign except as provided in NCC §154.1-708 Nonconforming Signs nor shall this subsection be construed to prevent the changing of the message of a sign.

(C) A sign permit shall be revoked automatically if the business license for the premises lapses, is revoked, or is not renewed; or if the business activity on the premises is discontinued for a period of 90 days or more or is not renewed within 30 days of a notice from the Zoning Administrator to the last permittee, sent to the premises, that the sign permit will be revoked if not renewed.

**§154.1-708 NONCONFORMING SIGNS.**

(A) No nonconforming sign may be enlarged or altered in such a manner as to increase the degree of the nonconformity nor may illumination be added to any nonconforming sign.

(B) A nonconforming sign may not be moved or replaced except to bring the sign into compliance with the requirements of this Chapter.

(C) If a nonconforming sign is destroyed or damaged in any manner to the extent that the cost

of restoration to its condition before such an occurrence exceeds 50% of the current replacement value at the time of damage, the sign shall not be replaced except in compliance with the provisions of this Chapter. Such sign may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Chapter. The remnants of the former sign structure shall be cleared from the property.

(D) Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any 12 month period, 50% of the value of such sign.

(E) If a nonconforming billboard remains blank for a continuous period of 2 years, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this ordinance or be removed by the sign owner, owner of the property where the sign is located, or any other person having control over such sign. For purposes of this section, a sign is "blank" if:

- (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
- (2) The advertising message it displays becomes illegible in whole or substantial part;  
or
- (3) The advertising copy has been removed.

#### **§154.1-709 REMOVAL OR ABANDONMENT OF SIGNS.**

(A) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.

(B) The Zoning Administrator may order the removal of any sign erected or maintained in violation of this ordinance upon 30 days written notice to the owner of such signs, or the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring such sign into compliance with this Chapter. Upon failure to comply with such notice, the Zoning Administrator shall take the appropriate action to obtain a court order to remove to the sign.

(C) If a sign advertises a business or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 2 years after such abandonment, be removed. The cost for removal shall be the responsibility of the property owner. Such sign shall be removed by the owner of the property if notified by Northampton County to do so.

### ***ARTICLE VIII BOARD OF ZONING APPEALS***

**§154.1-801 BOARD OF ZONING APPEALS AUTHORIZED.**

The Board of Zoning Appeals is hereby established pursuant to Va. Code §15.2 -2308.

**§154.1-802 COMPOSITION OF BOARD.**

(A) A Board of Zoning Appeals consisting of five members who are residents of Northampton County shall be appointed by the Circuit Court of Northampton County, Virginia. The term of office of the members of the Board of Zoning Appeals shall be for 5 years except that the original appointments shall have been made for such terms so that the term of one member shall expire each year. One member of the Board of Zoning Appeals may be a member of the Planning Commission; however, no other member shall hold any public office. Members of the Board of Zoning Appeals may receive such compensation as may be authorized by the Board of Supervisors.

- (1) Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term.
- (2) A member whose term expires shall continue to serve until the successor is appointed and qualified.
- (3) Members may be removed for cause as provided in Va. Code §15.2 -2308.

**§154.1-803 POWERS AND DUTIES.**

The powers and duties of the Board of Zoning Appeals shall be as set forth in Va. Code §15.2 -2309, provided that the Board of Zoning Appeals shall have no authority with respect to special use and special exceptions, except that the Board of Zoning Appeals shall have authority with respect to exceptions regarding Chapter 158 Chesapeake/Atlantic Preservation Areas (CAP).

**§154.1-804 APPLICATION FOR VARIANCE.**

Applications for variances may be made by any property owner, tenant, government official, department, board or bureau. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board of Zoning Appeals. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No variances shall be authorized except after notice and hearing as required by Va. Code §15.2 -2204. The Zoning Administrator shall also transmit a copy of the application to the Planning Commission which may send a recommendation to the Board of Zoning Appeals or appear as a party at the hearing. Substantially the same application will not be considered by the Board of Zoning

Appeals within 1 year after the previous application was denied.

#### **§154.1-805 APPEALS TO BOARD.**

An appeal to the Board of Zoning Appeals may be taken by any person or applicant aggrieved by any decision of the Zoning Administrator in the administration or enforcement of this Chapter or any modification of zoning requirements pursuant to Va. Code §15.2 -2280. Such appeals shall be made and considered in accordance with the provisions of Va. Code §15.2 -2311, 2312, 2313 and other applicable law.

### ***ARTICLE IX NONCONFORMING USES AND VESTED RIGHTS***

#### **§154.1-901 NONCONFORMING USES AND VESTED RIGHTS.**

Vested rights shall be protected and nonconforming uses shall be permitted to the extent provided by Va. Code §15.2 -2307, provided that:

(A) Land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition. The uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (Va. Code § 36-97 et seq.).

(B) No nonconforming use may be expanded, and no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

**(C) Should a nonconforming structure, portion of the nonconforming structure, or nonconforming portion of a structure be damaged or destroyed by any means other than a natural disaster or other act of God, the structure or portion thereof may be re-constructed or restored without the need to obtain a variance as provided in § 15.2-2310 provided its degree of nonconformity is not increased beyond that which existed just prior to such damage, except to comply with the Virginia Uniform Statewide Building Code. Nothing herein shall be construed to enable the property owner to commit an arson under §18.2-77 or 18.2-80, and obtain vested rights under this section.**

**(D)** Buildings or structures for which a building permit has been issued and certificate of occupancy granted or upon which taxes have been paid for fifteen years:

- (1) If a building permit has been issued and the building or structure has thereafter been constructed in accordance with the building permit, and if upon completion of

construction, the building official has issued a certificate of occupancy or a use permit therefor, the building or structure is nonconforming, but is not illegal.

- (2) If a building permit has been issued and the building or structure has thereafter been constructed in accordance with the building permit and if the owner of a building or structure has paid County real estate taxes for such building or structure for a period in excess of 15 years, the building or structure is nonconforming, but is not illegal.
- (3) Buildings or structures as described in Subsections (1) and (2) above may be brought in compliance with the Virginia Uniform Statewide Building Code.

## ***ARTICLE X ENFORCEMENT***

### **§154.1-1001 ENFORCEMENT – VIOLATIONS AND PENALTIES.**

(A) General provisions.

- (1) Any development contrary to any of the provisions and any use of any structure, building or land which is conducted, operated or maintained contrary to any of the provisions or contrary to any detailed statement or plan approved under the provisions shall be and the same is hereby declared to be unlawful.
- (2) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any structure, building or uses any structure, building or land in violation of the provisions shall be subject to the enforcement provisions of this section.
- (3) Upon becoming aware of any violation of any provisions, the Zoning Administrator may serve a notice of such violation on the person committing or permitting the same, which notice shall require such violation to cease within such reasonable time as is specified in such notice. After such notice is sent and such violation is not ceased within such reasonable time as is specified in the notice, then the Zoning Administrator may proceed to remedy the violation as provided in subsections (B) or (C) below.
- (4) Any written notice of a zoning violation or a written order of the Zoning Administrator shall include a statement informing the recipient that a right to appeal the notice of a zoning violation or a written order within 30 days may exist in accordance Va. Code §15.2-2311 and this Chapter, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until such statement is given.
- (5) The remedies provided for in this section are cumulative and not exclusive and

shall be in addition to any other remedies provided by law, including, but not limited to, actions by the Zoning Administrator pursuant to Va. Code §15.2-2286(A)(4), or action by the Board of Supervisors under, Va. Code §15.2-2208. In addition to the remedies described herein, the Zoning Administrator or Board of Supervisors may initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision.

(B) Criminal Violations and Penalties.

- (1) Any person who violates any of the provisions of this Chapter with respect to (1) activities related to land development without the applicable permit, (2) the posting of signs on public property or public rights-of-way, or (3) any violation resulting in injury to any person or persons, shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$1,000.00.
- (2) When civil penalties as provided in subsection C below for any particular violation exceed \$5000, the violation may be prosecuted as a criminal misdemeanor.
- (3) If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this Chapter, within a time period established by the court.
- (4) Failure to remove or abate a violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 nor more than \$1,000.00 and any such failure during any succeeding 10 day period shall constitute a separate misdemeanor offense for each 10 day period punishable by a fine of not less than \$100.00 nor more than \$1,500.00.

(C) Infractions and Civil Penalties.

- (1) Any person who violates any provision of this Chapter, except as specifically enumerated in subsection B above, shall be assessed a civil penalty in the amount of \$200.00 for the initial summons and not more than \$500.00 for each additional summons.
- (2) The Zoning Administrator may issue a civil summons for a violation, which summons shall contain the following information:
  - (a) The name and address of the person charged.
  - (b) The nature of the infraction and a citation to the Chapter provisions being violated.

- (c) The location, date and time the infraction was observed.
  - (d) The amount of the civil penalty assessed for the infraction.
  - (e) The manner, location and time in which the civil penalty may be paid to Northampton County.
  - (f) The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.
- (3) Any person summoned for a violation may make an appearance in person or in writing by mail to the Northampton County treasurer before the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.
- (4) In any trial for a violation, it shall be the burden of the Zoning Administrator to show the liability of the violator by a preponderance of the evidence.
- (5) If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with this Chapter. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than 6 months of the date of admission of liability or finding of liability.
- (6) Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.
- (7) Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10 day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00.

(D) Inspection Warrants. The Zoning Administrator or his / her agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a violation of this Chapter has occurred, request that the magistrate or court grant the Zoning Administrator or his / her agent an inspection warrant to enter a dwelling, structure, building or upon land for the purpose of determining whether violations of this Chapter exist. The Zoning Administrator or his / her agent shall make a

reasonable effort to obtain consent from the owner or tenant of the dwelling, structure, building or land before seeking the issuance of an inspection warrant under this section.

State law reference: Va. Code §15.2-2208; 15.2-2209; 12.2-2286 (A) (5)

## ***ARTICLE XI APPEALS***

### **§154.1-1101 ZONING DECISION APPEALED TO BOARD OF ZONING APPEALS.**

Any person aggrieved by or any officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or any order, requirement, decision or determination of any other administrative officer in the administration, modification or enforcement of this Chapter may appeal to the Board of Zoning Appeals as provided in NCC §154.1-805 and Va. Code §15.2-2311 and §15.2-2312.

### **§154.1-1102 BOARD OF ZONING APPEALS DECISION APPEALED TO CIRCUIT COURT.**

Any person aggrieved by a decision of the Board of Zoning Appeals may appeal to the Circuit Court of Northampton County in accordance with Va. Code §15.2-2314.

### **§154.1-1103 ZONING CONDITION DECISION APPEALED TO BOARD OF SUPERVISORS.**

Any person aggrieved by a decision of the Zoning Administrator made pursuant to Va. Code §15.2-2299 relating to administration and enforcement of conditions attached to a rezoning or amendment to a zoning map may appeal to the Board of Supervisors in accordance with Va. Code §15.2 -2301.

### **§154.1-1104 BOARD OF SUPERVISORS' DECISION APPEALED TO CIRCUIT COURT.**

Any person aggrieved by a decision, order, requirement or determination of the Board of Supervisors adopting or failing to adopt a proposed zoning ordinance or amendment thereto or granting or refusing to grant a special exception or aggrieved by a determination of the Board of Supervisors in connection with an appeal under NCC §154.1-1103 may appeal to Circuit Court of Northampton County in accordance with Va. Code §15.2 -2285(F) and §15.2-2301.

## ***ARTICLE XII DEFINITIONS***

### **§154.1-1201 DEFINITIONS.**

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

- (1) The word **MAY** is permissive;
- (2) The word **SHALL** is mandatory;
- (3) The word **DAY(S)** means calendar day unless otherwise specified.
- (4) The word **BUILDING** includes **STRUCTURES**; the word **STRUCTURES** includes **BUILDINGS**;
- (5) The word **LOT** includes **PARCEL**;
- (6) The word **USED** shall be deemed also to include **DESIGNED, ERECTED, RECONSTRUCTED, ALTERED, PLACED** or **MOVED**. (See also definition of **USE** in subsection (C) below;
- (7) The terms **LAND USE** and **USE OF LAND** shall be deemed also to include **BUILDING USE** and **USE OF A BUILDING**;
- (8) The word **STATE** means the Commonwealth of Virginia;
- (9) The word **TOWN** means the incorporated towns of Northampton County Commonwealth of Virginia, and the term **TOWN BOUNDARY** means any exterior boundary of an incorporated town;
- (10) The word **COUNTY** means the County of Northampton, Commonwealth of Virginia, and the term **COUNTY BOUNDARY** means any exterior boundary of the county or any boundary of unincorporated territory within the county; the word **BOARD** means the Board of Supervisors of Northampton County;
- (11) The word **PERSON** includes a firm, association, organization, partnership, trust, company, corporation, partnership and bodies politic and corporate as well as an individual;
- (12) The terms **BOARD OF APPEALS** or **BZA** shall mean the Board of Zoning

Appeals of Northampton County, Virginia and / or the incorporated town(s);

- (13) The words PLANNING COMMISSION shall mean the Planning Commission of Northampton County, Virginia, and / or the incorporated town(s);
- (14) The words TOWN COUNCIL shall mean the governing body of the incorporated town(s) within Northampton County;
- (15) The word ADJACENT means abutting, touching or contiguous to;
- (16) The term Va. Code shall mean Code of Virginia, 1950, as amended;
- (17) The term THIS CHAPTER shall mean the Northampton County Zoning Ordinance or Northampton County Zoning Code or NZC;
- (18) The term CIRCUIT COURT means the Circuit Court of Northampton County, Virginia;
- (19) The term ADOPTION DATE means that date that this Chapter, or a specific amendment thereto, was adopted by the Board of Supervisors. The term EFFECTIVE DATE means that date that the Chapter, or a specific amendment thereto, became effective and in force. If an adopted amendment does not specifically state an effective date, it shall become effective at 12:01 a.m. on the next calendar day following adoption.

(B) Interpretation by Zoning Administrator. In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Zoning Administrator is authorized to make a definite determination thereof, being guided in such determination by the purposes and intent of this Chapter provided however, that an appeal may be taken from any such determination as provided in NCC §154 .1-1101 Appeals et seq. In the absence of a specific definition, words shall be given the generic meaning provided by the current edition of the Webster Collegiate Dictionary.

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

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

*Accessory building.* See *accessory uses and structures.*

~~*Accessory dwelling.* See *dwelling, accessory.*~~

*Accessory dwelling.* An attached or detached dwelling ~~used as a residence~~ that is subordinate to a single-family dwelling and is constructed in conformity with the performance standards in NCC §154 .1-309 Accessory Dwellings ~~and Additional Single Family Dwelling on One Lot.~~

*Accessory goods and services.* Products, processes, or services related to the retail sale of goods and services, which would reasonably and practicably add to the convenience, safety, or enjoyment of the service or the use or consumption of the primary product, or would further promote goods and services, and which are clearly subordinate to the primary product or service.

*Accessory uses, structures and buildings.* A use or structure which is: (a) Clearly incidental to and customarily found in connection with the principal use, structure or building; (b) Subordinate to and serves the principal use, structure or building; (c) Located on the same lot or parcel as the principal use, structure or building; and (d) Not, in case of accessory structures and building, attached by any common wall or by a common roof to a principal structure or building.

*Acoustic bat detector (ABD).* A device used to detect the presence of bats by converting their echolocation ultrasound signals, as they are emitted by the bats, to audible frequencies.

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

~~*Agriculture.* The use of land devoted to the bona fide production of crops, animals, or fowl for food, fiber or fuel, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, nursery, and floral products; and the production and harvest of products from silviculture and viticulture activity.~~

~~*Agricultural business office.* A business office to support agricultural operations.~~

***Agriculture crop production operation.* Agriculture for the production of crops for food, fiber or fuel, other than crops produced by aquaculture, floriculture, horticulture, silviculture and viticulture and any land, structures, buildings and equipment directly related and essential to the function of this operation, including but not limited to any administrative office, equipment storage, sales, grading and packing sheds and irrigation systems. This shall not include processing or agricultural support businesses.**

~~*Agricultural products.* Crops, livestock and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, aquaculture, and furs.~~

***Agriculture or agricultural uses.* The use of land devoted to the bona fide production of crops, animals, or fowl for food, fiber or fuel, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, nursery, and floral products; and the production and harvest of products from specific types of agriculture such as, but not limited to, aquaculture, floriculture, horticulture, silviculture and**

**viticulture activity.**

***Agricultural disposal practices and structures.*** An area or structure to put dead poultry into a landfill or disposal pit; the treatment and complete destruction of dead poultry in an incinerator or treatment by rendering or composting; for the management of dead poultry by other methods approved by the State Veterinarian and in accordance with other state laws and regulations. When used in association with intensive farming specific setbacks must be met as defined in §154.1-307 of the NCC.

***Agricultural products.*** Any livestock, aquaculture, poultry, horticulture, floriculture, viticulture, silviculture, or other farm crops.

*Agricultural research facility.* Any research facility used for agricultural research.

~~*Agricultural use.* Any activity associated with the production of food or fiber including but not limited to farming, feedlots, grazing livestock, poultry raising, dairy farming, and aquaculture activities.~~

*Agriculture - domestic husbandry.* Agricultural uses, structures and buildings directly associated with the production **and sale of farm animals or livestock** ~~of livestock which graze outside and are kept for the majority of their lives unconfined within the property boundaries, but not defined as traditional husbandry or intensive farming.~~ Domestic husbandry shall be fully for home consumption or hobby ~~or home / farm based activities.~~ Further, such activities permitted may include riding / boarding and equine training activities. ~~The number of animals for domestic husbandry shall not exceed the following limits at any one time: 2 cattle; 2 swine; 4 horses; 2 sheep; 2 goats; 25 chickens; 25 turkeys; 3 llama or alpacas; 25 ducks; 25 geese, with the combined number of poultry and fowl (chickens, ducks, geese, turkeys, and other domestic birds) not 50.~~ Domestic husbandry shall comply with NCC §154 .1-307.

*Agriculture - intensive farming.* Agricultural uses, structures and buildings associated with the production of **farm animals or livestock** which are regulated by the Va. Code as an animal feeding operation, confined animal feeding operation, confined poultry operation or concentrated confined animal feeding operation ~~or exceed the number of permitted animals established for traditional husbandry.~~ Intensive farming shall comply with NCC §154 .1-307.

***Agriculture support business.*** Business uses that supply necessary services and sales to the agricultural uses such as, but not limited to, grain storage, wholesale brokerage house, equipment repair, equipment sales and fertilizer sales. This shall not include processing of agricultural products.

*Agriculture - traditional husbandry.* Agricultural uses, structures and buildings **other than those defined as domestic husbandry and intensive farming**, associated with the production of livestock which graze outside and are kept for the majority of their lives unconfined within the property boundaries, ~~not defined as domestic husbandry or intensive farming.~~ Traditional husbandry maybe fully for home consumption or a part of a person's profession, livelihood or business, ~~but the number of animals shall not exceed the following limits at any one time: 3~~

cattle; 3 swine; 5 horses; 3 sheep; 3 goats; ~~more than 25 but less than 1,000 chickens; more than 25 but less than 500 turkeys; more than 3 but less than 11 llama or alpacas; more than 25 but less than 500 ducks; more than 25 but less than 500 geese, with the combined number of poultry and fowl (chickens, ducks, geese, turkeys, and other domestic birds) not to exceed 1,000.~~ Traditional husbandry shall comply with §§154 NCC §154 .1-307.

***Agricultural W-waste storage facility.*** A waste holding **shed**, pond or tank used to store manure prior to land application, or a lagoon or treatment facility used to digest or reduce the solids or nutrients. **When used in association with intensive farming specific setbacks must be met as defined in §154.1-307 of the NCC.**

*Animal feeding operation.* A lot or facility (other than an aquatic animal production facility) where both of the following conditions are met: 1. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and 2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility. Two or more animal feeding operations under common ownership are a single animal feeding operation for the purpose of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

*Airfield.* Any facility **and support structures** designed for the purpose of allowing aircraft to take off or to land.

*Alteration.* Change, such as any change in the total floor area, use or design of an existing structure, ~~or~~ building **or land**.

*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.

***Ammonia scrubber.*** **Machines utilized in intensive farming for the purpose of removing ammonia gas from the air discharged by confinement buildings that house animals.**

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

*Antenna array.* One or more whips, panels, discs, or similar devices under 20 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.

~~*Aquaculture.* The propagation, rearing, enhancement, and harvesting of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.~~

~~*Aquaculture facility.* Any land, structure, or other appurtenance that is used for aquaculture, including but not limited to any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture.~~

***Aquaculture operation.* The propagation, rearing, enhancement, and harvesting of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water and any land, structures and buildings directly related and essential to the function of this operation such as, but not limited to any laboratory, sales, hatchery, pond, raceway, pen, cage, incubator, grader, washer, or other equipment used in aquaculture. This shall not include processing of food or agricultural support businesses. Although other agencies may consider washing and shucking of oysters and clams to be processing, for the purpose of the NZC only, the washing and shucking of oysters and clams shall not be considered processing.**

***Artist and artisan studio.* A workshop facility for creating art and artisan works that may include sales, galleries and private instruction facilities. Each district may further restrict this use by size and/or design.**

~~*Assisted living facility.* Any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.~~

***Attached dwelling.* A dwelling that is connected or shares a common wall(s) with a separated building **and in the case of a single-family dwelling attached dwelling, shares a common property line.****

***Attached wireless communication 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.**

*Base parcel(s).* A base parcel shall be those parcels and property lines lawfully existing in the public records of the Office of the Clerk of the Circuit Court of Northampton County on October 21, 2009.

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

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

*Beach.* See Chapter 152: Coastal Primary Sand Dunes.

*Bed and breakfast or "bed and breakfast establishment."* Any establishment (i) having no more than 15 guest rooms, (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided; **(iv) the property where the bed and breakfast is located must be occupied by the owner; (v) the guest rooms must be located within the owner's residence or within accessory dwelling units accessory to the owner's residence.**

~~*Billboard.* A sign which advertises products, events, services or businesses not available at nor connected with the site or building on which the sign is located. See sign, general outdoor advertising.~~

*Biomass.* Agricultural-related materials including vineyard, grain or crop residues; straws; aquatic plants; and crops and trees or waste materials capable of decomposition that are produced from the raising of plants and animals during agricultural operations, including animal manures, bedding, plant stalks, hulls, and vegetable matter planted for energy production.

*Biomass conversion to alternate fuel, large scale.* Any conversion of any renewable biomass into heat, power, or biofuels that does not meet the definition of a biomass conversion to alternate fuel - small scale.

~~*Biomass conversion to alternate fuel, small scale.* The conversion of any renewable biomass into heat, power, or biofuels. if: (i) at least 50 percent of the feedstock is produced either on site or by the owner of the conversion equipment; and (ii) any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet, not including the space required for storage of feedstock.~~

*Blade throw.* Furthest distance from the tower base in which blades or other debris could be thrown from the wind turbine in the event of catastrophic failure.

*Breakpoint Technology.* The engineering design of a tower, mast or monopole wherein a specified point on the structure is designed to have stresses concentrated so that the point is at least 5 % more susceptible to failure than any other point along the structure so that in the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts or any other point on the structure.

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

*Building Official.* An appointed official of Northampton County responsible for enforcement of the Virginia Uniform Statewide Building Code (VUSBC) as described in Va. Code § 36-105.

*Building.* Any structure used or intended for supporting or sheltering any use or occupancy for persons, animals, or property of any kind.

*Caregiver.* A person related by blood, marriage, or adoption or the lawfully appointed guardian who is caring for a mentally or physically impaired person.

*Cemetery.* Land used or dedicated for the burial of the dead including crematoriums, mausoleums, necessary sales and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.—

*Certificate of compliance.* A written statement issued by the Site Plan Agent certifying that site work has been completed in compliance with the site plan and / or plan of development or other required plans.

*Certificate of occupancy.* The certificate issued under the provisions of the Virginia Uniform Statewide Building Code (VUSBC) pertaining to the legal use and occupancy of buildings.

*Change of use.* Substitution of one thing for another specifically regarding use of land or use of a building as designated in this Chapter or Northampton County Building Code.

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

~~*Children's residential facility.* Any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include: 1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than 2 months of summer vacation; 2. An~~

~~establishment required to be licensed as a summer camp by § 35.1-18; and 3. A licensed or accredited hospital legally maintained as such.~~

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

*Civic groups, clubs and organizations.* **A use providing educational, meeting, recreational and / or social facilities for an association of people for some common intended purpose over a long period of time under which is legally structured; under Virginia law as a non-profit organization.** ~~not for profit means valid within the Commonwealth of Virginia.~~

*Cluster subdivision.* An arrangement of residential structures or adjoining residential lots in groupings that would not be generally permitted under applicable ordinance requirements but are allowed under the concept of reducing lot size requirements to allow for the provision of additional open space within the development.

*Coastal primary sand dune.* See Chapter 152: Coastal Primary Sand Dunes.

~~*College.* An institution that provides full time or part time education beyond high school.~~

*College.* **A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.**

*Commercial center.* A group of retail or other business establishments, planned, developed, and owned and managed as a unit, with off-street parking provided on the property and related in size and type of shops to the trade area the unit serves.

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

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

*Commercial services.* **A business use that renders services to other businesses, groups and individuals on a fee or contract basis such as, but not limited to, building systems, laundries, copy shops, printing services, package and postal services, photo processing, janitorial services, and similar uses. Commercial services shall not include vehicle services. Each district may further restrict this use by size and/or design.**

*Comprehensive plan.* The adopted Comprehensive Plan for Northampton County, Virginia.

***Community or Community Uses.*** Uses that provide a public services for the benefit of the community in which they are located. Usually furnished by the government or institution but which may also be provided by private and / or nonprofit enterprises.

*Concentrated confined animal feeding operation.* An animal feeding operation at which: 1. At least the following number and types of animals are confined: a. 300 slaughter and feeder cattle; b. 200 mature dairy cattle (whether milked or dry cows); c. 750 swine each weighing over 25 kilograms (approximately 55 pounds); d. 150 horses; e. 3,000 sheep or lambs; f. 16,500 turkeys; g. 30,000 laying hens or broilers; or h. 300 animal units; and 2. Treatment works are required to store wastewater, or otherwise prevent a point source discharge of wastewater pollutants to state waters from the animal feeding operation except in the case of a storm event greater than the 25-year, 24-hour storm. 300 animal units means 300,000 pounds of live animal weight, or the following numbers and types of animals: a. 300 slaughter and feeder cattle; b. 200 mature dairy cattle (whether milked or dry cows); c. 750 swine each weighing over 25 kilograms (approximately 55 pounds); d. 150 horses; e. 3,000 sheep or lambs; f. 16,500 turkeys; g. 30,000 laying hens or broilers.

*Confined animal feeding operation.* For the purposes of this regulation, has the same meaning as an *animal feeding operation*.

*Confined poultry feeding operation.* Any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys, regardless of animal age or sex.

*Cooperative parking.* Joint use of a parking spaces for more than one use.

*Cutoff.* A fixture that emits no more than 2.5% of its light above 90 degrees and no more than 10% above 80 degrees from horizontal. (IESNA definition).

*Dedicated risk analysis.* The process of defining and analyzing the dangers to individuals, businesses and government agencies posed by potential natural and human-caused adverse events.

*Density.* The number of dwelling units permitted per specified area.

*Density regulations.* Regulations defining the number of dwelling units permitted per specified area.

*Design standard.* A set of guidelines defining the parameters to be followed in a site or building design and development.

*Developer.* A person having legal title to any tract of land or parcel of land or authority to act for such person regarding the development or proposed development of property.

*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 breast height or DBH.* The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

~~*Disposal.* To put dead poultry into a landfill or disposal pit; the treatment and complete destruction of dead poultry in an incinerator or treatment by rendering or composting; or the management of dead poultry by other methods approved by the State Veterinarian and in accordance with other state laws and regulations.~~

*District or zoning district.* A zoning district or category referred to in Va. Code §§15.2 -2280.

*Dredge spoil disposal site.* An area specifically designated and approved for the collection of solid material generated by the dredging of marine bottom for the purpose of navigational improvement.

*Driveway or travel way.* 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.

*Dwelling.* A living facility including permanent provision for living, sleeping, eating, cooking, and sanitation.

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

*Dwelling unit.* A unit of measurement used as one of the components to calculate density.

*Detached dwelling.* A dwelling that is not attached to another building and surrounded by yards on all sides on the same lot.

*Easement.* Typically a grant by a property owner of the use of his / her land by another party for a specific purpose.

*Educational services.* Services which are primarily education, including public, non-profit and profit establishments.

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

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

*Engineer.* A person who is registered with the Virginia Department of Professional and Occupational Regulation as a “licensed professional engineer”.

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

*Event venue.* **The commercial use of land, structures and buildings established at a permanent location where people assembly to take part in entertainment, educational, cultural, organizational, ceremonial and / or celebratory events, open to the public or private parties for use, and usually operated in exchange for remuneration. This use is separate from the use “agritourism” which has separate standards establish by the VA Code.**

*Fall zone.* Furthest distance from the tower base in which a tower or tall structure will collapse in the event of a structural failure.

*Family day home.* **A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed by the State. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered by the State. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. A family day home serving one through five children, exclusive of the provider's own children and any children who reside in the home shall be considered as residential occupancy by a single family have no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Each district may further restrict this use by size.**

*Farm animals.* **Farm animals shall mean any animals, other than pets, that may, where permitted, be kept and maintained for commercial production and sale or use by a family for food, fiber, fuel, education or recreation. For the purpose of the NZC, the farm animal definition shall include bees. Farm animals weighing less than 25 pounds are considered to be animals that do not typically require large areas of pasture to graze such as poultry and smaller species of livestock. Farm animals 25 pounds or more are considered to be animals that do typically require large areas of pasture to graze such as cattle, pigs, larger species of goats and larger species of sheep. This shall not include horses.**

*Farm produce or products.* **Products including but not limited to, horticultural, viticulture, forestry, dairy, livestock, poultry and bee products ordinarily produced by agriculture or agricultural uses.**

*Farm stand.* **A seasonal business selling farm produce and products including value added**

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

*Fastlands.* As used in the definition of shoreline, fastland means upland.

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

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

***Fishing, commercial.* A business use that catches finfish or shellfish for profit including any land, structures, buildings and equipment directly related and essential to the function of this uses, such as, but not limited to, any landing, administrative office, equipment storage and grading and packing sheds. This shall not include processing of finfish or shellfish. Although other agencies may consider washing and cleaning of finfish and shellfish to be processing, for the purpose of the NZC only, the washing and cleaning of finfish and shellfish shall not be considered processing.**

*Floor area.* The total usable area of all floors or portions of floors in a structure and measured from the inside of exterior walls.

**Floor area, gross heated. The total heated area of all floors or portions of floors in a structure which is measured from the outside of exterior walls.**

~~*Floriculture.* A discipline of horticulture concerned with the cultivation of flowering and ornamental plants for gardens and for floristry, comprising the floral industry.~~

***Floriculture operation.* Cultivation and production of flowering and ornamental plants for gardens and for floristry, comprising the floral industry and any land, structures and buildings or sales directly related and essential to the function of this operation. This shall not include processing or agricultural support businesses.**

*Full cutoff.* A fixture that emits 0% of its light above 90 degrees and no more than 10% above 80 degrees from horizontal. (IESNA definition).

*Funeral home.* A building or part thereof used for ~~human~~ funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

*Glare.* The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in

visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

*Golf course.* A tract of land laid out with at least 9 holes for playing a game of golf and improved with tees, greens, fairway and hazards. A golf course includes a clubhouse and shelter as accessory uses.

*Government offices.* A building or structure owned, operated or occupied by governmental agency to provide a governmental service to the public. **Each district may further restrict this use by size and/or design.**

*Heavy manufacturing.* The manufacturing with or processing of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. The activities may involve outdoor operations as part of their manufacturing process.

*Heliport.* A facility for helicopter take-off and landing which may include appurtenant facilities and services such as fuel, parking, maintenance, and storage.

*Home occupation.* A low-impact commercial use conducted in an owner- or renter-occupied dwelling or accessory structure(s) of an owner- or renter-occupied dwelling.

~~*Horticulture.* The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees and cultured sod.~~

***Horticulture operation.* The cultivation, propagation, processing and marketing of ornamental plants, flowers, turf, vegetables, fruits, and nuts and any land, structures and buildings or sales directly related and essential to the function of this operation. This shall not include processing or agricultural support businesses.**

*Hospital.* A licensed and state-accredited health care institution in which sick or injured persons are given inpatient or outpatient medical or surgical treatment.

*Hotel or motel.* Any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes or hostels.

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

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

*Illuminance.* The amount of luminous flux per unit area in the Imperial system and is equal to 1 lumen per square foot. ILLUMINANCE is measured in foot-candles. The metric system uses the lux. 1 foot-candle equals approximately 0.1 (0.093) lux.

*Impervious surface.* 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, sidewalks, concrete, asphalt, or compacted gravel or shell surfaces.

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

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

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

*Industrial services.* **Businesses in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses.**

*Initial lumens.* Amount of luminous flux emitted by a lighting fixture at initial installation and are usually listed by the manufacturer. (Example: A 100 watt incandescent light bulb emits approximately 1,800 lumens.).

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

*Inn.* **Any establishment (1) having no more than 15 guest rooms, (2) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (3) may offer meals to guest and general public.**

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

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

***Jail.* A correctional facility operated by the Northampton County Sheriff's Department or the Eastern Shore Regional Jail Board.**

*Kennel ~~or pound.~~* A place prepared to house, board, breed, handle or otherwise keep or care for dogs and other domestic pets for sale or in return for compensation, **may also include accessory retail sales of products related to the services provided.**

*KW. Kilowatt.* Kilowatt or one thousand watts of electricity.

*Library.* A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

*Light manufacturing.* The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Activities are contained entirely within a building and noise, odor, smoke heat, glare and vibration from the manufacturing activity are confined entirely within the building.

*Light trespass.* Light falling across property boundaries.

*Livestock.* All domestic or domesticated bovine animals, e.g. cows, equine animals, e.g. horses, ovine animals, e.g. sheep, porcine animals, e.g. pigs, cervidae animals, e.g. deer, animals of the genus Lama, enclosed rabbits or hares raised for human food or fiber, or any other individual animal specifically raised for food or fiber, except companion animals.

*Loading space.* Any off-street space available for the loading or unloading of goods.

*Local Wireless Broadband Service (LWBS):* Low Power Wireless Radio transmitting in the Industrial Science and Manufacturing (ISM) bands as regulated by the FCC part 15 rules and regulations for wireless equipment, to provide access to the Eastern Shore of Virginia Broadband Authority fiber optic cable system of internet and data transmission services in all areas of the county, originating from area hubs via point-to-point and point-to-multipoint wireless connections to the end users.

*Lot.* A parcel of land occupied or intended to be occupied by a use permitted in this Chapter, which may include a main building and its accessory buildings or by a group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this Chapter, having at either shown on a plat of record or considered as a unit of property and described by metes and bounds.

*Lot area.* The computed area contained within the lot lines.

*Lot area, buildable.* The upland portion of a lot or base parcel, excluding any wetlands or ponds used to calculated density.

*Lot frontage.* The measurement at the front property line as the shortest distance between the two points created where the side property lines intersect the front property line.

*Lot or parcel of record.* A lot which has been recorded in the Clerk's office of the Circuit Court of Northampton County.

*Lot width.* The measurement at the required minimum front setback as the shortest distance between two points created where the side property lines intersect with the required minimum front setback extended in a straight line to the side property lines to create the two points of intersection.

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

*Lot, depth.* The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

*Lot, double frontage.* A lot with frontage on two streets, not at their intersection.

*Lot, interior.* Any lot other than a corner lot.

*Lot, pipestem.* A lot which contains at least the minimum area required for a residential lot in the zoning district in which it is located but which lacks the minimum street frontage because of its unusual shape, and therefore requires, for access, a long narrow strip of land for a driveway to connect the main portion of the lot with a public road. The width of a pipestem shall be at least 25 feet and the length of the pipestem shall be no more than 200 feet from the right-of-way line from the street to which the lot has access. Lot width and setbacks shall be measured using the area excluding the pipe stem area.

*Lumen.* Unit of luminous flux; used to measure the amount of light emitted by lamps.

*Maintained illuminance level.* A percentage of the initial illuminance level reported as part of the photometric plan.

~~*Dwelling*~~ — *Manufactured home.* A dwelling, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

*Manufactured industrial unit.* A manufactured building not to be used as a dwelling that is

constructed to meet the Virginia Uniform Statewide Building Code standards for its intended use.

*Marina.* Any installation providing dockage or moorage for boats (exclusive of paddle or row boats) and provides, through sale, rental or fee basis, any equipment, supply or service (fuel, electricity or water) for the convenience of the public or its lessee, renters or users of its facilities.

*Medical facility.* Any of a variety of facilities designed for outpatient treatment of patients without overnight stay which may include offices, urgent care or outpatient services.

*Mentally or physically impaired person.* A person who is a resident of Virginia and requires assistance with two or more activities of daily living, as certified in writing by a physician licensed by the Commonwealth of Virginia.

*Meteorological mast or met mast.* A guy-wired meteorological mast to measure at hub height and lower heights the wind speeds and other climatic variables such as temperature, air pressure, humidity, salt and dust concentrations, etc.

*Meteorological tower or met tower.* A temporary tower used to measure wind speed and direction.

*Microwave.* A form of electromagnetic radiation with wavelengths ranging from as long as one meter to as short as one millimeter, or equivalently, with frequencies between 300 MHz (0.3 GHz) and 300 GHz. This broad definition includes both UHF and EHF (millimeter waves), and various sources use different boundaries. In all cases, microwave includes the entire SHF band (3 to 30 GHz, or 10 to 1 cm) at minimum, with RF engineering often putting the lower boundary at 1 GHz (30 cm), and the upper around 100 GHz (3 mm).

*Migrant labor camp.* One or more structures, buildings, tents, barracks, trailers, vehicles, converted buildings, and unconventional enclosures of living space, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters for one or more persons, one or more of whom is a migrant worker engaged in agricultural or fishing activities, including related food processing.

*Mining or excavation of soil or other natural resources.* Any operation involving the breaking or disturbing of the surface soil or rock where the primary purpose of the operation is to facilitate or accomplish the extraction or removal of sand, soil, gravel, fill, or other similar material. Specifically exempt from this definition are the following; (a) Any excavation for roads, drainage, stormwater management facilities, or similar features necessarily incidental to, and in accordance with, the approved construction plans for a residential subdivision or other similar development activity; (b) Any excavation for the sole purpose of conducting a bona-fide agricultural operation, including, but not limited to, excavations to improve drainage, provide watering facilities for livestock, or create a holding lagoon for animal waste, or farm ponds or fish ponds; provided that none of the excavated material may be hauled off site or sold; (c) Any excavation or excavations on any single lot or parcel of land which total less than ¼ acre in area

and less than 12 feet in excavated depth as measured from the original ground level to the lowest point of the excavation; and (d) Any trench, ditch or hole for utility lines, drainage pipes or other similar public works facilities or projects where the excavation is in accordance with the approved construction plans.

*Mixed use.* Having more than one type of use adjacent to, or in close proximity to, each other, e.g. residential and commercial, commercial and industrial.

*Mixed use building.* A **structure building** containing two or more separate, self-contained units, which may accommodate different uses concurrently, ~~at least one of which must be designated as a residential dwelling unit.~~ Different uses may occupy different levels in the structure, or may exist side by side, and all uses must be allowed in the district. **When the mixed-use building dwelling contains one dwelling unit it shall be denoted as a mixed use building, SFD and when it contains two or more dwelling units it shall be denoted as a mixed use building, MFD.**

*Mixed use development.* Property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

*Mobile home park or manufactured home park.* Pursuant to Va. Code §§ 36-85.3 through 36-85.11, references in this Chapter to mobile home, mobile home park, or similar references shall be referred to as manufactured homes and the like.

*Monopole.* A single self-supporting vertical pole structure that is attached to the ground, tapering from base to top and supporting a fixture designed to hold one or more antennas.

*Motel.* See *Hotel*.

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

*Motor vehicle.* Any equipment required to be licensed by the Department of Motor Vehicles as a motor vehicle.

*Multi-family dwelling or MFD.* A building or portion of a building containing more than one attached dwelling, each intended for occupancy by a separate family.

*Museum.* A facility designed to display and provide an interpretive context to art, artifacts, lifestyles, industry, history, events, processes, and / or collections.

*MW. Megawatt.* Megawatt or one million watts of electricity.

*Native species.* Species that occur in the region in which they evolved.

*Nature tourism.* Natural resource based recreation and tourism activities.

*Nontidal wetlands.* Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to § 404 of the Federal Clean Water Act (being 33 U.S.C. § 1344), in 33 C.F.R. § 328.3b.

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

*Office, professional or business.* **A business use that transacts the affairs of a profession, business, service, industry or government, offices such as, but not limited to, accounting, auditing, bookkeeping, advertising, architecture, engineering, attorneys, medical, dental, insurance, real estate and others. Each district may further restrict this use by size and/or design.**

*Off-site or off-premise.* A location that is not on the subject lot or parcel.

*Off-street parking and loading.* Space provided for vehicular parking and loading outside the dedicated right-of-way.

*On-site or on premise.* A location on the subject parcel or lot.

*Open space.* Water or land left in undisturbed open condition, unoccupied by buildings, streets or parking lots or occupied by approved commonly owned recreational facilities.

~~*Outdoor advertising.* See sign, general outdoor advertising.~~

*Parcel.* See lot.

~~*Park, may include indoor / outdoor recreation.* A bordered open space, with planned upkeep and maintenance which may include children's playground, tennis courts, fitness trail, nature trail, and other low-impact facilities.~~

*Parking space.* A space of sufficient size and shape to park one standard size automobile and containing not less than 180 square feet of area, **unless otherwise specified in §154.1-604 OFF-STREET PARKING.**

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

*Permitted.* Authority granted by Northampton County to use a specified site for a particular purpose including but not limited to special use permits, plans, variances and zoning clearances, as established by NZC.

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

*Personal services.* **A business use that renders services to other individuals on a fee or contract basis that address an individual's needs and necessities such as, but not limited to, barber and beauty shops, tanning salon, psychic reader, shoe repair or personal laundry and dry cleaning services. Personal services shall not include vehicle services. These uses may also include accessory retail sales of products related to the services provided. Each district may further restrict this use by size and/or design.**

*Photovoltaic.* Pertaining to the direct conversation of photons of sunlight into electricity.

*Plan of development.* Any process for site plan review in zoning and land development regulations designed to ensure compliance with the NCC, prior to issuance of a building permit.

*Planned unit development.* A form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

*Plat.* See Chapter 156: Subdivision Code.

*Ponds, agricultural irrigation.* An impounded water source created by constructing an embankment or excavating a pit that is intended to provide water for irrigation **of crops, farm animals** or livestock.

*Porch.* A covered or uncovered, open or enclosed, entrance to a building, or a gallery or room on the outside of a building, i.e., a balcony or portico.

*Poultry.* All domestic fowl and game birds raised in captivity.

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

~~*Prison.* A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of law.~~

*Private.* A use principally for the benefit of its owner.

*Private open pile pier.* A structure used as a private landing place built out over the water and

supported by piles, not for commercial use.

*Private road.* See Chapter 156: Subdivision Code.

*Property owner.* Owner of fee simple interest or holder of a recorded easement granting a dominant estate for the purpose of the application.

*Property.* Any tract, lot or parcel or several of the same collected together.

*Public road.* See Chapter 156: Subdivision Code.

*Public use.* Open to access by the public.

*Radio.* The wireless transmission of signals through free space by electromagnetic radiation of a frequency significantly below that of visible light, in the radio frequency range, from about 30 kHz to 300 GHz.

*Record, recorded, recording.* Admission to record in the offices of the clerk of a court of competent jurisdiction.

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

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

*Recreation and sports, motorized and motor vehicle related.* Organized use of motorized land vehicles for commercial purposes by more than two people at any occurrence.

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

*Recreation, playing field.* A **community use consisting of a** maintained field(s) which may include restroom facilities and locker room facilities intended for scheduled sports events and other field activities.

*Recreational vehicle (RV).* 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; and (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

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

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

*Refuse collection facility.* A facility designed to collect municipal solid waste.

*Religious institution, place of worship.* A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.

*Research facility.* ~~A commercial use for~~ Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products.

*Residence.* A home, abode, or place where an individual has established an actual permanent place to dwell and live.

***Residential or residential uses.* Uses providing a place for a person to live and establish a home.**

***Residential facility.* (1) Any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Virginia Code. For this type of residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, shall be consider as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401 of the Virginia Code. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility; or (2) Any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to the Virginia Code. For this type of residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, shall be considered as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.**

*Restaurant.* Any place where food is prepared for service to the public on or off the premises, or any place where food is served **with or without drive through service. Each district may further restrict this use by size and/or design.**

~~*Retail food and beverage production.* Any establishment selling food or beverages for~~

~~consumption off premises either immediately or with further preparation.~~

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

*Right-of-way.* A strip of land dedicated or reserved for a road, crosswalk, railroad, sanitary or storm sewer, water main, drainage facility, public utility, or other special use.

*Road.* See Chapter 156: Subdivision Code.

*Rotor diameter.* The diameter of the circle subject to moving wind turbine blades.

~~*Sales, agricultural products and accessory goods.* The sale of agricultural produce, products and accessory goods.~~

***Sales, flammable materials.* The retail sale, wholesale sale, storage and distribution of bulk flammable materials to be delivered off premise, but shall not include gas stations.**

*Sales, retail bulk.* A retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and / or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e., “big box” retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) and may also include a variety of carry-out goods (e.g., groceries, household, and personal care products).

*Sales, retail convenience.* Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. An accessory use may include the sale of fuel. **Each district may further restrict this use by size and/or design.**

*Sales, retail general.* Establishments that are retail operations that carry an assortment of merchandise from all the other categories. Such establishments may include but are not limited to department store, discount store, farm store, and similar establishments. **Each district may further restrict this use by size and/or design.**

*Sales, wholesale and industrial.* The display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing, and storage activities.

*School, primary or secondary.* A school with grades pre-K through twelfth grade.

*Screened.* ~~Screened~~ **Blocked** from view from adjacent properties by a vegetated buffer or

opaque wall.

*Self-service storage.* A building or group of buildings consisting of individual, self-contained units leased to individuals for self-service storage of personal property.

*Semi-cutoff.* A lighting fixture that emits no more than 5% of its light above 90 degrees and no more than 20% above 80 degrees from horizontal. (IESNA definition).

*Setback.* The minimum distance by which any building or structure must be separated from a right-of-way, lot line, shoreline or other specified feature.

*Setback, prevailing front.* The prevalent and predominant (i.e., most frequently occurring) setback in a defined area as established in NCC §154 .1-402 (Z) Setbacks and Lot Measurements.

*Shadow flicker.* The visible flicker effect when rotating blades cast shadows on the ground and nearby structures causing the repeating patterns of light and shadow.

*Shopping center.* See *commercial center*.

**Shoreline: The line where fastlands, as defined herein, abut open tidal water during mean high water, tidal wetlands, beaches and coastal primary sand dunes.**

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

~~*Shoreline Width.* The shoreline width as measured in feet as the straight line distance which is the shortest of the following: (1) A line between the points of intersection of the side lot lines with the **mean high water mark** shoreline; (2) 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.~~

*Sight triangle.* An area of unobstructed sight distance along both approaches of an entrance.

*Sign.* Any display of any letters, words, numerals, figures, devices, emblems, pictures, advertising icon, or any parts of combination thereof, by any means whereby such letters and the like are made visible for the purposes of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, a rock, a tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made.

~~*Silviculture.* Any forest management activity, including, but not limited to, the harvesting of timber, the construction of roads and trails for the forest management purposes and the preparation of property for reforestation.~~

***Silviculture operation.* Any forest management activity, including, but not limited to, the harvesting of timber, the construction of roads and trails for the forest management**

**purposes and the preparation of property for reforestation and any land, structures and buildings or sales directly related and essential to the function of this operation. This does not include processing or agricultural support businesses.**

~~*Single family dwelling or SFD.* A structure containing 1 dwelling unit intended for occupancy by one family.~~

*Single-family dwelling or SFD.* A building or portion of a building containing a dwelling that is intended for occupancy by **one** a family. **A single-family dwelling may include an accessory dwelling as provided for in NCC §154.1-309 Accessory Dwellings.**

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

***Solar Energy Facility.* A principal use established for the sole use of generation of solar power using photovoltaic panels to be connected directly to the electrical public utility grid.**

*Special use permit.* A permit issued by the Board of Supervisors as a legislative action pursuant to Va. Code §15.2 -2286 (3).

*Stayed mast.* A mast supported by stays or guy wires designed to support antennas.

*Structure.* Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs and the like.

*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 wireless communication facility to an existing building or structure shall be excluded from this definition.

*Surveyor, land.* A person who is registered with the Virginia Department of Professional and Occupational Registration as a "registered land surveyor."

*Survival wind speed.* Maximum speed a small wind turbine or windmill is designed to withstand safely.

*Temporary emergency housing.* The temporary placement of a home on the property as an accessory structure for the purpose of providing emergency housing for the displaced occupants pursuant to NCC §154 .1-303 Temporary Emergency Housing.

*Temporary family health care housing.* A transportable residential structure, providing an

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

*Temporary construction office.* Temporary structures, buildings and vehicles, including manufactured industrial units, recreational vehicles and other highway vehicles erected or placed on a construction site for accessory use incidental and reasonably necessary to the construction work on the premises and not used as a dwelling.

*Through street.* Streets that extend continuously between other major streets in the community.

*Tidal wetlands.* Vegetated and non-vegetated wetlands as defined in Va. Code § 28.2-1300.

*Total initial lumens.* Derived by summing the individual initial lumens output for all the lighting fixtures of an installation.

*Transit center.* The property, equipment, and improvements of whatever nature owned, used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations and parking lots.

*Transit stop.* Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, signs, structures, and other improvements to provide security, protection from the weather, and access to nearby services.

*Unified plan of development.* A plan that coordinates the sharing of services, infrastructure and improvements including, but not limited to, access, traffic signalization, signage, parking, landscaping, stormwater facilities, trash removal, lighting, pedestrian circulation, vehicular circulation, loading areas, water, sewage and utilities.

*Uplands.* Land areas which are not wetlands.

*Uplight.* Light projected above the horizontal.

*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.* See *Accessory uses, structures and buildings.*

***Uses similar to.* A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.**

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

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

*Vacation rental home.* A furnished apartment or house which is rented on a temporary basis to tourists as an alternative to a hotel.

*Variance.* As defined at Va. Code §15.2-2201.

~~Commercial~~ *Vehicle services.* A business whose primary function is the service and repair of vehicles. **Each district may further restrict this use by size and/or design.**

*Vested rights.* As set forth in Va. Code §15.2 -2307.

*Veterinarian business.* Business location for the practice of veterinarian services on site and accessory uses including the housing **and grooming** of animals.

~~Viticulture.~~ The cultivation and study of grapes and grapevines.

*Viticulture operation.* **The cultivation and production of grapes and grapevines and any land, structures and buildings or sales directly related and essential to the function of this operation. This does not include processing or agricultural support businesses.**

*Warehouse, storage and distribution.* A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

*Waste collection center operated by local government.* **A public disposal facility, operated for the purpose of recycling or disposal of garbage or other waste material originating on or off the premises.**

*Waste management.* **The collection, source separation, storage, transportation, transfer, processing, treatment and disposal of waste or recycling except that no more than 15% of any waste stream may originate from outside Northampton County.**

~~Waste related.~~ Matters dealing with domestic, commercial and industrial waste.

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

pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters.

*Wetlands.* See *tidal wetlands* and *nontidal wetlands*.

*Wildlife and marine life preservation area.* An area of property dedicated to the preservation or protection of endangered species, a critical environmental feature, or other natural feature.

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

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

*Windmill.* A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water. A windmill is not a wind energy conversion system. **Each district may further restrict this use by size and/or design.**

*Wind power.* Conversion of wind energy into another form of energy.

*Wind tower.* The structure on which the wind system turbine or windmill is mounted.

*Wind tower height.* The height above grade of the fixed portion of the tower, excluding the rotor blades.

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

*Wind turbine height.* The highest point, above ground level, reached by the highest vertical extension of the blade plus the wind tower height.

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

*Wind turbine, small scale.* A system with a rated capacity of not more than 10 kW for residential use and not more than 100 kW for other uses and used solely for onsite use of electrical power. **Each district may further restrict this use by size and/or design.**

*Wind turbine, utility scale.* A wind turbine with a rated capacity of 1 MW or greater.

*Winery, licensed farm.* An establishment (i) located on a farm with a producing vineyard,

orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume or (ii) a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed by the Commonwealth of Virginia as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

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

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

***Working waterfront uses, structures and buildings.*** Commercial and public uses that depend upon water to function and are located on, over or adjacent to or have direct access to a body of water such as, but not limited to, fishing, aquaculture, docks, wharfs, boat ramps, marinas, marine transportation, shipping, ports, harbors, as opposed to a use that may be enhanced by water such as, but not limited to, restaurants and housing.

***Working waterfront support uses, structures and buildings.*** Uses, structures and buildings that supply necessary services to the working waterfront such as, but not limited to, boat building, repair, storage and hauling, seafood grading, packaging, processing and sales and marine equipment sales and storage.

*Zoning district map.* A map or maps of the County of Northampton which are adopted as part of the NZC and which delineate the boundaries of all zoning districts.

\* \* \* \* \*

**Exhibit 1(a)**

November 2, 2015 Public Hearing Document

**NORTHAMPTON COUNTY CODE OF ORDINANCES  
TITLE XV: LAND USAGE**

**CHAPTER 158: CHESAPEAKE BAY / ATLANTIC PRESERVATION  
AREAS (CAP)**

**§158.101 TITLE.**

(A) This Chapter shall be known and referenced as the Chesapeake ~~Bay~~ / **Atlantic** Preservation Areas (~~CBPACAP~~) of Northampton County.

(B) Findings of fact.

The Chesapeake Bay **and Atlantic Ocean**, along with ~~its~~**their** tributaries, is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of Northampton County and the Commonwealth of Virginia. The health of the Chesapeake Bay **and Atlantic Ocean** is vital to maintaining Northampton County's economy and the welfare of its citizens.

The Chesapeake Bay **and Atlantic Ocean** waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Northampton County Board of Supervisors as Chesapeake ~~Bay~~ / **Atlantic** Preservation Areas (hereinafter ~~CBPACAP~~), need to be protected from destruction and damage in order to protect the quality of water in the Chesapeake Bay **and Atlantic Ocean** and consequently the quality of life in Northampton County and the Commonwealth of Virginia.

**§158.102 PURPOSE AND INTENT.**

(A) This Chapter is enacted to implement the requirements of Va. Code §62.1-44.15:67 et seq. (The Chesapeake Bay Preservation Act) and Va. Code Title 15.2, Chapter 22, Article VII, as amended. The intent of the Board of Supervisors and the purpose of the ~~CBPACAP~~ is to:

- (1) Protect existing high quality state waters;
- (2) Protect and restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;

- (3) Safeguard the clean waters of the Commonwealth from pollution;
- (4) Prevent any increase in pollution;
- (5) Reduce existing pollution;
- (6) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Northampton County; and
- (7) Promote water quality because of its positive impacts upon the health of Northampton County's citizens and economy.

(B) The **CBPACAP** 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 **CBPACAP** shall also lie in one or more of the other zoning districts provided for by the Zoning Code.

(C) This Chapter is incorporated by reference and is a part of the Zoning Code. See NCC §154.1-61712. All definitions set forth in the Zoning Code, NCC §154.1201, are applicable to the **CBPACAP** regulations and the review and approval procedures provided for in the Zoning Code and other applicable ordinances shall be followed in reviewing and approving development, and uses governed by this Chapter.

### **§158.103 AREAS OF APPLICABILITY.**

(A) This Chapter shall apply to all lands **identified in the CAP's** ~~asin Northampton County west of US 13, lands east of US 13 which drain to the Chesapeake Bay and have protection features described below, and not in an incorporated town;~~ all as so designated by the Board of Supervisors and shown on the **CBPACAP** ~~general CAP~~ map.

- (1) The Resource Protection Area (RPA) includes:
  - (a) Tidal wetlands; (see Appendix A);
  - (b) Water bodies with perennial flow;
  - (c) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands;
  - (d) Non-tidal wetlands connected by surface flow and contiguous to water bodies with perennial flow;
  - (e) Tidal shores and beaches;
  - (f) Coastal primary sand dunes, including beaches; (see Appendix B); and

(g) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in the subsections (A) (1) (a)-(f) above and along both sides of any water body with perennial flow.

1. The buffer is an area located adjacent to and landward of the components listed in the subsections above and along both sides of any water body with perennial flow.
2. To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be maintained if present and established where it does not exist.
3. The full buffer area shall be designated as the landward component of the RPA.
4. The 100-foot buffer area shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients.

(2) The Resource Management Area (RMA) is composed of all land in the Northampton County which is not designated as an RPA.

(B) The ~~CBPACAP~~ map shows the general location of RPAs and should be consulted by persons contemplating activities within Northampton County prior to engaging in a regulated activity.

(C) Areas designated as redevelopment areas shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in NCC §158.112.

#### **§158.104 USE REGULATIONS.**

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

#### **§158.105 LOT SIZE.**

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the RPA to accommodate an intended development, in accordance with the performance standards in NCC §158.112, when such development is not otherwise allowed in the RPA.

**§158.106 CONFLICT WITH OTHER REGULATIONS.**

In any case where the requirements of this Chapter conflict with any other provision of the Northampton County Zoning Code and / or other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

**§158.107 INTERPRETATION OF RESOURCE PROTECTION AREA BOUNDARIES.**

(A) Delineation by the applicant. The site-specific boundaries of the RPA shall be delineated by the applicant through the performance of an environmental site assessment, subject to approval by the Zoning Administrator and in accordance with NCC §158.103, Areas of Applicability et seq., and NCC §158.113 (B). The ~~CBPACAP~~ map and the National Wetlands Inventory Maps may be used as a guide to the general location of RPAs.

(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 RPA delineation. The Zoning Administrator may use hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.

(C) Where a conflict arises over delineation. Where the applicant has provided a site-specific delineation of the RPA, the Zoning Administrator will verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Zoning Administrator may make adjustments to the applicant's boundary delineation, in accordance NCC §158.113. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief pursuant to the provisions of NCC §158.113(H) and NCC §154.1-801 and NCC §154.1-1101, et seq.

**§ 158.108 ENCROACHMENTS INTO THE RPA.**

(A) General

(1) A water quality impact assessment as described in NCC §158.114 shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development.

(2) Any development or redevelopment 2,500 square feet or greater of land disturbance shall require the approval of a plan of development prior to any clearing or grading of the site or the issuance of any building permit.

- (3) Any encroachments into the RPAs shall be mitigated by the appropriate use of best management practices and / or mitigation planting as described in NCC §158.112 (C).
- (4) Approvable encroachments into the RPA are: buffer area maintenance, water-dependent facilities, roads, or driveway crossings satisfying the conditions set forth in NCC §158.108 (B), (C) and (D) flood control or stormwater management facilities satisfying the conditions set forth in NCC §158.108 (E) redevelopment, or development uses provided for through a waiver, exception, or exemption.
- (5) If an encroachment is approved through the issuance of an administrative waiver by the Zoning Administrator, at the time the waiver is granted, written notification shall be sent to adjacent property owners advising them of the determination and the appeal process.

(B) Vegetation and Paths. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval by the Zoning Administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater. The following encroachments into the buffer area are allowed:

- (1) As described in the Riparian Buffers Modification & Mitigation Guidance Manual, see Appendix C link 9, trees may be pruned or removed as necessary to provide for sight lines and vistas, subject to approval by the Zoning Administrator, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;
- (2) Any path, subject to approval by the Zoning Administrator, shall be constructed and surfaced so as to effectively control erosion;
- (3) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees allowed, subject to approval by the Zoning Administrator, pursuant to sound horticulture practices; and
- (4) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirement, subject to approval by the Zoning Administrator.

(C) Water dependent facilities. A new or expanded water-dependent facility may be allowed provided that the following criteria are met:

- (1) It does not conflict with the county's Comprehensive Plan;

- (2) It complies with the performance criteria set forth in NCC §158.112;
  - (3) Any non-water-dependent component is located outside of the RPA; and
  - (4) Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
- (D) Roads and driveways. Roads and driveways not exempt under NCC §158.109 may be constructed in or across RPAs if each of the following conditions is met.
- (1) The Zoning Administrator makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the RPA;
  - (2) The alignment and design of the road or driveway minimizes both encroachment into the RPA and adverse impacts on water quality;
  - (3) The design and construction of the road or driveway satisfy all applicable criteria of this Chapter, including submission of a water quality impact assessment according to NCC §158.114;
  - (4) Any applicable permit or approval from the Northampton County Wetlands Board, the Virginia Marine Resources Commission, or the U. S. Army Corps of Engineers is obtained;
  - (5) The plan for the proposed road or driveway in or across the RPA is reviewed in coordination with site plan, subdivision, and/or plan of development approvals.
- (E) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs if the following conditions are met. A best management practice that collects and treats runoff from only an individual lot or some portion of a lot may not be located within an RPA.
- (1) The location of the facility within the RPA has been demonstrated to be the optimum location;
  - (2) The size of the facility is the minimum necessary to provide necessary flood control or stormwater management, or both;
  - (3) The facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with the Virginia Stormwater Management Program;
  - (4) All applicable permits for construction in state or federal waters must be obtained from the U.S. Army Corps of Engineers, the Virginia Department of

Environmental Quality, and the Virginia Marine Resources Commission;

- (5) Any required permit is obtained from the Northampton County Wetlands Board and a site plan is approved;
- (6) Routine maintenance shall be performed on such facilities to assure that they continue to function as designed.

(F) **Mitigation.** In order to mitigate the effects of the buffer encroachment, other measures such as French drains, dry wells, and storage of construction materials outside the buffer must be implemented unless the Zoning Administrator determines that such measures are inappropriate or unnecessary due to the specific conditions of the site or the nature of the project.

(G) **Redevelopment** may be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA. Redevelopment shall conform to the stormwater management requirements outlined under NCC §158.113 (4) and erosion and sediment control requirements outlined under NCC §158.113 (5).

(H) **Administrative Waiver Process.** Development may occur upon the approval of an administrative waiver process when the following conditions exist.

- (1) An applicant seeks to expand nonconforming uses and structures. For the purposes of the **CBPACAP**, this shall be defined as the lawful use of a building or structure which existed on October 1, 1989, or which exists at the time of any amendment to this Chapter, and which is not in conformity with the provisions of the **CBPACAP**.
- (2) The application of the buffer area would result in the loss of buildable area on a lot or parcel recorded prior to October 1, 1989.
- (3) No waiver shall be granted unless the following conditions and findings are met:
  - (a) Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - (b) The encroachment may not extend into the seaward 50 feet of the buffer area;
  - (c) There will be no increase in nonpoint source pollution load;
  - (d) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel;

- (e) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Chapter.
- (4) A request for an administrative waiver to the requirements of this Chapter shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed waiver on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of NCC §158.114.
- (5) The Zoning Administrator shall review the request for an administrative waiver and the water quality impact assessment and may grant the waiver with such conditions and safeguards as deemed necessary to further the purpose and intent of this Chapter, but only if the Zoning Administrator finds:
  - (a) Granting the waiver will not confer upon the applicant any special privileges that are denied by this Chapter to other property owners in the ~~CBPACAP~~;
  - (b) The waiver request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
  - (c) The waiver request is the minimum necessary to afford relief;
  - (d) The waiver request will be in harmony with the purpose and intent of this Chapter, and not injurious to the neighborhood or otherwise detrimental to the public welfare and is not of substantial detriment to water quality;
  - (e) Reasonable and appropriate conditions are imposed which will prevent the waiver request from causing a degradation of water quality;
  - (f) In no case shall this provision apply to accessory structures; and
  - (g) The waiver is permitted by NCC §154.1-901.
- (6) An administrative waiver request shall be made to and upon forms furnished by the Zoning Administrator and shall include, for the purpose of proper enforcement of this Chapter, the following information:
  - (a) Name and address of applicant 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 RPA;
- (d) Location and description of any existing private water supply or sewage system; and
- (e) Justification for the waiver request, including how the criteria in NCC §158.108 (H) (5) are satisfied by the waiver request;
- (f) A waiver shall become null and void 12 months from the date issued if no substantial work has commenced;
- (g) If the Zoning Administrator cannot make the required findings or refuses to grant the waiver, the Zoning Administrator shall return the request for a waiver together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for an exception.

(I) Exceptions by the Board of Zoning Appeals.

- (1) Persons aggrieved by the denial of a waiver by the Zoning Administrator may appeal for an exception from the Board of Zoning Appeals (“BZA”).
- (2) A request for an exception to the requirements of this Chapter shall be made in writing to the Board of Zoning Appeals on forms furnished by the Zoning Administrator and shall include the information specified in NCC §158.108 (H) (6). The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of NCC.
- (3) After notice and public hearing, the BZA shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Chapter, if the BZA finds:
  - (a) The exception request is the minimum to afford relief, and any encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - (b) There will be no increase in nonpoint source pollution load;
  - (c) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established

elsewhere on the lot or parcel;

- (d) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Chapter;
  - (e) Granting the exception will not confer upon the applicant any special privileges that are denied by this Chapter to other property owners in the **CBPACAP**;
  - (f) 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;
  - (g) The exception request will be in harmony with the purpose and intent of the **CBPACAP**, and not injurious to the neighborhood or otherwise detrimental to the public welfare and is not of substantial detriment to water quality;
  - (h) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality;
  - (i) In no case shall this provision apply to accessory structures; and
  - (j) The waiver is permitted by NCC §154.1-901.
- (4) An exception shall become null and void 12 months from the date issued if no substantial work has commenced.
  - (5) An exception may be appealed in the same manner as a variance.

**§158.109 EXEMPTIONS FOR UTILITIES, RAILROADS AND PUBLIC ROADS.**

(A) Construction, installation, and maintenance of electric, natural gas, fiber optic, and telephone lines, railroads, and public roads and their appurtenant structures in accordance with regulations promulgated pursuant to the Erosion and Sediment Control Law (Va. Code §§62.1-44.15:51 et seq.) and the Stormwater Management Act (Va. Code §§ 62.1-44.15:24 et seq.) and an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality, or local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Chapter.

(B) Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both by Northampton County or a regional service authority shall be exempt from this Chapter provided that:

- (1) To the degree possible, the location of such utilities and facilities shall be outside RPAs;
- (2) No more land shall be disturbed than is necessary to provide for the proposed utility installation;
- (3) 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
- (4) Any land disturbance, exceeding an area of 2,500 square feet complies with all Northampton County erosion and sediment control requirements.

(C) The exemption of public roads is further conditioned on the road alignment and design being optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the RPA and to minimize the adverse effects on water quality.

**§158.110 EXEMPTIONS FOR AGRICULTURE AND SILVICULTURE.**

(A) Exemption for agriculture. On agricultural lands, the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area, and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:

- (1) Agricultural activities may encroach into the landward 50 feet of the 100-foot buffer area when at least one agricultural best management practice, which, in the opinion of the Eastern Shore Soil and Water Conservation District Board, addresses the site's more predominant water quality issue (erosion control or nutrient management), is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot-wide buffer area. If nutrient management is identified as the predominant water quality issue on the site, a nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations" (4 VAC 5-15 et seq.), administered by the Virginia Department of Conservation and Recreation;
- (2) Agricultural activities may encroach into the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the National Soil Survey Handbook of November 1996 in the Field Office

Technical Guide of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15 et seq.), administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot-wide buffer area; and

- (3) The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one best management practice considered by the Eastern Shore Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land, either erosion control or nutrient management.
- (4) When agricultural uses within the buffer area cease and the lands are proposed to be converted to other uses, the full 100-foot-wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

(B) Exemptions for silvicultural activities.

- (1) Silvicultural activities are exempt from the requirements of this Chapter provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of Best Management Practices for Forestry Operations [Technical Guide].
- (2) When silvicultural uses within the buffer area cease and the lands are proposed to be converted to other uses, the full 100-foot-wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

**§158.111 EXEMPTIONS IN RESOURCE PROTECTION AREAS.**

The following uses in RPAs may be exempted: water wells; passive recreation facilities such as boardwalks, trails, and pathways; and historic preservation and archaeological activities, provided that it is demonstrated to the satisfaction of the Zoning Administrator that:

- (A) Any required permits, except those to which this exemption specifically applies, shall have been issued;
- (B) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

- (C) The intended use does not conflict with nearby planned or approved uses; and
- (D) Any land disturbance exceeding an area of 2,500 square feet shall comply with all Northampton County erosion and sediment control requirements.

**§158.112 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 storm-water runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces storm water runoff potential. The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.

(B) General performance standards for development and redevelopment.

- (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
  - (a) In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be defined by the construction footprint plus up to 50 feet of open space around the primary structure. The Zoning Administrator shall review and approve the construction footprint through the plan of development process as required under NCC §158.113. These limits shall be clearly shown on submitted plans and physically marked on the development site.
  - (b) 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 practicable consistent with the use and development proposed and in accordance with the Virginia Erosion and Sediment Control Handbook.
  - (a) Existing trees over two inches in diameter at breast height (DBH) shall be preserved outside the construction footprint in the RMA; this provision does not apply to any component of the RPA.
  - (b) Diseased trees or trees weakened by age, storm, fire, or other injury may be removed as approved by the Zoning Administrator.

- (c) Site clearing for construction activities shall be allowed only as approved by the Zoning Administrator through the plan of development review process outlined under NCC §158.113.
  - (d) Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five feet outside of the drip line of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- (3) Land development shall minimize impervious cover to promote infiltration of storm-water into the ground consistent with the proposed use or development.
  - (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 NCC §154.1-604.
  - (c) Water retention ponds shall be used where feasible.
- (4) Notwithstanding any other provisions of this Chapter or any land disturbing activity 2,500 square feet or greater, shall comply with the requirements of NCC §153.01, et seq., Erosion and Sediment Control Ordinance.
- (5) All development and redevelopment 2,500 square feet or greater of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of NCC §154.1-508 or a subdivision plat in accordance with the Northampton County Subdivision Ordinance, NCC §156.001 et seq. However, the construction of single-family homes will be subject to a simplified plan of development process, pursuant to NCC §158.113.
- (6) All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five years, unless an exception is granted by the Zoning Administrator.
  - (a) The following pump-out frequency (stated in years) standards will be considered upon request by a landowner and may apply if the Zoning Administrator is satisfied, based upon information furnished by the landowner, that the household size, occupancy per year, and septic tank size warrant an exception as described in NCC §158.112 (B) (6) b.

<i>Pump-Out Frequency Standards</i>																		
<i>Household Size (# of people)</i>																		
<i>Tank Size (gallons)</i>	<i>1</i>			<i>2</i>			<i>3</i>			<i>4</i>			<i>5</i>			<i>6</i>		
	<i>Occupancy Per Year</i>																	
	<i>&gt;6 Mos</i>	<i>4 to 6 Mos</i>	<i>&lt;4 Mos</i>	<i>&gt;6 Mos</i>	<i>4 to 6 Mos</i>	<i>&lt;4 Mos</i>	<i>&gt;6 Mos</i>	<i>4 to 6 Mos</i>	<i>&lt;4 Mos</i>	<i>&gt;6 Mos</i>	<i>4 to 6 Mos</i>	<i>&lt;4 Mos</i>	<i>&gt;6 Mos</i>	<i>4 to 6 Mos</i>	<i>&lt;4 Mos</i>	<i>&gt;6 Mos</i>	<i>4 to 6 Mos</i>	<i>&lt;4 Mos</i>
500	5.8	11.6	17.4	5.0	5.2	7.8	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
750	9.1	18.2	27.3	5.0	8.4	12.6	5.0	5.2	7.8	5.0	5.0	5.4	5.0	5.0	5.0	5.0	5.0	5.0
900	11.0	22.0	33.0	5.2	10.4	15.6	5.0	6.6	9.9	5.0	5.0	6.9	5.0	5.0	5.1	5.0	5.0	5.0
1,000	12.4	24.8	37.2	5.9	11.8	17.7	5.0	7.4	11.1	5.0	5.2	7.8	5.0	5.0	6.0	5.0	5.0	5.0
1,250	15.6	31.2	46.8	7.5	15.0	22.5	5.0	9.6	14.4	5.0	6.8	10.2	5.0	5.2	7.8	5.0	5.0	6.0
1,500	18.9	37.8	56.7	9.1	18.2	27.3	5.9	11.8	17.7	5.0	8.4	12.6	5.0	6.6	9.9	5.0	5.2	7.8
1,750	22.1	44.2	66.3	10.7	21.4	32.1	6.9	13.8	20.7	5.0	10.0	15.0	5.0	7.8	11.7	5.0	6.2	9.3
2,000	25.4	50.8	76.2	12.4	24.8	37.2	8.0	16.0	24.0	5.9	1.8	17.7	5.0	9.0	13.5	5.0	7.4	11.1
2,250	28.6	57.2	85.8	14.0	28.0	42.0	9.1	18.2	27.3	6.7	13.4	20.1	5.2	10.4	15.6	5.0	8.4	12.6
2,500	31.9	63.8	95.7	15.6	31.2	46.8	10.2	20.4	30.6	7.5	15.0	22.5	5.9	11.8	17.7	5.0	9.6	14.4

- (b) Septic Pump-Out Exception Policy. While the above regulation was adopted in compliance with requirements of the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 25-830 et seq.), the county and the Commonwealth of Virginia recognize that under some circumstances the requirement may impose an undue burden and hardship. Therefore, the county may grant administrative exceptions to this requirement according to the following guidelines.
- (c) Each request for an exception will be reviewed on a case-by-case basis.
- (d) At the time such request is made, the property owner(s) shall provide evidence that the septic system was pumped or installed within the previous five years.
- (e) When an exception is granted, subsequent pump-outs will be required according to the chart below. However, each exception will be reviewed after five-year intervals, and at the end of such five-year interval, property owners will be notified and requested to verify occupancy status.
- (f) The county reserves the right to check, during the five-year interval,

properties that have been granted pump-out exceptions for building permit activities or changes in property ownership that may indicate a change in status of the septic system.

- (7) A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.
- (8) For any development or redevelopment, storm-water runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (9 VAC 25-870 et seq.). This reference need to be checked against the new guidance document language.
- (9) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with NCC §158.113.
- (10) If a perennial stream is shown on the County's mapping on any portion of a lot or parcel, a perennial stream assessment must be submitted and accepted prior to approval of a plan of development.
- (11) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment. Such assessments shall evaluate the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with this Chapter.
- (12) When expansion of nonconforming uses and structures would result in an encroachment into the buffer area which lawfully existed on October 1, 1989, or which exists at the time of any amendment to this Chapter, encroachment may be only permitted through an administrative waiver or formal exception in accordance with NCC §158.108 (H) (5).
- (13) When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachment into the buffer area may only be permitted through an administrative waiver or formal exception in accordance with NCC §158.108 (H).

(14) The buffer shall be maintained in accordance with NCC §158.108 (B).

(C) Required mitigation planting. Establishment or re-establishment of the buffer is addressed by this subsection. Establishment or re-establishment of the buffer will be required for any encroachment into the buffer for any reason, including but not limited to, when a change of use occurs and when a natural buffer does not exist.

(1) Vegetation replacement rates.

VEGETATION REMOVED	PREFERRED REPLACEMENT	ACCEPTABLE ALTERNATIVE VEGETATION
1 tree or sapling < 2-1/2" caliper	1 tree @ equal caliper or	OR 2 large shrubs @ 3'-4' greater OR 10 small shrubs or woody groundcover* @ 15"-18"
1 tree > 2-1/2" caliper	1 tree @ 2" caliper, or 1 evergreen tree @ 6' min ht., per every 4" caliper of tree 3:1 ratio (ex: a 12" cal. tree would require 3 trees to replace it)	OR 75% trees @ 2" and 25% large shrubs @ 3'-4' per every 4" caliper of tree removed. (Ex: a 16" ca. tree removed would require 3 trees and 1 large shrub) OR 10 small shrubs or woody groundcover @ 15"-18" per 4' ca. of tree removed. (Ex.: an 8' ca. tree removed requires 20 small shrubs.)
1 large shrub	1 large shrub @ 3'-4'	OR 5 small shrubs or woody groundcover @ 15"-18"
*Woody groundcover is considered to be a woody, spreading shrub that remains close to the ground, to 18" high, such as a shore juniper, juniperus conferta. Vines may not be considered "woody groundcover" for the purpose of vegetation replacement		

(2) Restoration / establishment Table A.

(a) Definitions.

1. CANOPY TREE. A tree that reaches 35 feet in height or larger when mature.
2. LARGE SHRUB. A shrub that reaches ten feet of height or greater at maturity.
3. SMALL SHRUB. A woody plant that can reach up to ten feet of height at maturity.
4. UNDERSTORY TREE. A tree that matures to a height of 12 feet to 35 feet.

(b) One-quarter acre or less of buffer (up to 10,890 square feet):

1. For every 400 square-foot unit (20 feet x 20 feet) or fraction thereof plant: one canopy tree at one and one-half to two inches caliper or large evergreen at six feet; and two understory trees at three-quarter inch to one and one-half inches caliper or evergreen at four feet or one understory tree and two large shrubs at three feet to four feet; and three small shrubs or woody groundcover at 15 inches to 18 inches.
2. Example: A 100-foot wide lot x 100-foot wide buffer is 10,000 square feet. Divide by 400 square feet (20 feet x 20 feet unit) to get: 25 units.

Units x	Plant/Unit	Number of Plants
25 units x	1 canopy tree	25 canopy trees
	2 understory trees	50 understory trees
	3 small shrubs	75 small shrubs
		150 plants

(3) Restoration / establishment Table B. Greater than one-quarter acre of buffer (more than 10,890 square feet.)

- (a) Plant at the same rate as for one-quarter acre or less.
- (b) The waterside 50% of the buffer (from the waterline inland for the first 50 feet): For every 400 square-foot unit (20 feet x 20 feet) or fraction thereof plant: one canopy tree at one and one-half inches to two inches caliper or large evergreen at six feet; and two understory trees at three-quarter inch to one and one-half inches caliper or evergreen at four feet or one understory tree and two large shrubs at three feet to four feet; and three small shrubs or woody groundcover at 15 inches to 18 inches; and
- (c) The landward 50% of buffer (from 50 feet inland to 100 feet inland), either plant:
  1. Bare root seedlings or whips at 1,210 stems per acre, approximately six feet x six feet on center (minimum survival required after two growing seasons: 600 plants), or
  2. Container grown seedling tubes at 700 per acre approximately eight feet x eight feet on center (minimum survival required after two growing seasons: 490 plants).

**§158.113 PLAN OF DEVELOPMENT PROCESS.**

(A) Plan of development process. Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through the approval of a plan of development prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this Chapter.

- (1) Required information. In addition to the requirements of this Chapter or the requirements of NCC Chapter 156, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the information otherwise required is unnecessary due to the scope and nature of the proposed development. The following plans or studies shall be submitted, unless otherwise provided for:
  - (a) A site plan in accordance with the provisions of NCC §154.1-508 a subdivision plat in accordance with the provisions NCC Chapter 156: or, for a single-family dwelling unit, a plat showing the proposed house location and any other improvements;
  - (b) An environmental site assessment;
  - (c) A landscaping plan;
  - (d) A stormwater management plan **except as provided for in §158.113 (A) (4)**;
  - (e) An erosion and sediment control plan in accordance with the provisions of the Northampton County Soil and Sediment Control Ordinance; and
  - (f) A water quality impact assessment when one is required.
- (2) Environmental site assessment. An environmental site assessment shall be submitted in conjunction with a request for preliminary site plan or preliminary subdivision plan approval.
  - (a) The environmental site assessment must be drawn to scale with a narrative and clearly delineate the following environmental features:
    1. Tidal wetlands;
    2. Water bodies with perennial flow;
    3. Non-tidal wetland connected by surface flow and contiguous to

tidal wetlands;

4. Non-tidal wetlands connected by surface flow and contiguous to water bodies with perennial;
  5. Tidal shores and beaches;
  6. Primary sand dunes, including beaches;
  7. A 100-foot buffer area located adjacent to and landward of the components listed in items 1 through 4 above, and along both sides of any water body with perennial flow; and
  8. Other sensitive environmental features as determined by the Zoning Administrator.
- (b) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1989.
- (c) A perennial stream assessment determining water bodies with perennial flow be undertaken using a scientifically valid system of in-field indicators such as those described in the Chesapeake Bay Local Assistance guidance document entitled Determination of Water Bodies with Perennial Flow.
- (d) The environmental site assessment shall delineate the site-specific geographic extent of the RPA as required under NCC §158.103; and
- (e) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor licensed in Virginia. This requirement may be waived by the Zoning Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.
- (3) Landscaping plan. A landscaping plan or landscaping element shall be required in conjunction with a request for site plan approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan when required.
- (a) Contents of the landscaping plan.
1. The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site two inches or greater DBH shall be shown on the landscaping plan. Where there are groups of

trees, stands may be outlined instead. The specific number of trees two inches or greater DBH to be preserved outside of the construction footprint shall be indicated on the plan. Trees to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan.

2. Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Chapter, shall be shown on the landscaping plan.
3. Within the RPA buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Chapter, shall be shown on the plan. Vegetation required by this Chapter to replace any existing trees or other woody vegetation within the buffer area shall also be shown on the landscaping plan.
4. Trees or other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Chapter shall be shown on the landscaping plan.
5. The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
6. The landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.
7. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the reestablishment of woody vegetation in the buffer area as required is subsection (3) above.

(b) Plant specifications.

1. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
2. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of

Nurserymen.

3. Where areas to be preserved, as designated on an approved landscaping plan, are encroached a mitigation plan in compliance with subsection (3) above will be required when the encroachment is within the buffer area. When the encroachment is outside the buffer area replacement of existing trees and other vegetation will be achieved at a ratio of three planted trees or shrubs to one removed. Replacement trees shall be a minimum two-inch caliper at the time of planting and shrubs shall be a minimum of three-gallon container, measured in accordance with standards provided in the most recent edition of American Standard for Nursery Stock published by the American Nursery and Landscape Association.
4. Use of native or indigenous species is required.

(c) Maintenance.

1. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Chapter.
  2. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Chapter.
- (4) Stormwater management plan. Stormwater management plan shall be submitted as part of the plan of development process required by this Chapter and in conjunction with site plan or subdivision plat approval consistent with the provisions of the Virginia Stormwater **Program** Management Regulations **except that single-family residences separately built and disturbing less than one acre and not part of a larger plan of development or sale, including additions or modifications to existing single-family detached residential structures shall be exempt as long as when this development or redevelopment exceeds 16% lot coverage, a best management practice (BMP) mitigating for the percentage exceeding 16% shall be installed on the same lot as the development or redevelopment. Completion of the BMP installation shall be required before the issuance of a certificate of occupancy, certificate of compliance, letter of completion or passing final inspection.**
- (5) Erosion and sediment control plan. An erosion and sediment control plan shall be submitted that satisfies the requirements of this Chapter and is in accordance with the Northampton County Soil and Sediment Control Ordinance, in conjunction with site plan or subdivision plat approval, consistent with the provisions of the

Virginia Erosion and Sediment Control Regulations.

- (6) Final plan. Final plans for property within the ~~CBPACAP~~ shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in NCC §154.1-508 and NCC Chapter 156, Northampton County Subdivision Code.
- (a) Final plans for all lands within the ~~CBPACAP~~ shall include the following additional information:
1. The delineation of the Resource Protection Area boundary, including the 100-foot buffer area;
  2. Plat or plan note stating that no land disturbance is allowed in the RPA buffer area without the review and approval by the Zoning Administrator;
  3. All wetlands permits required by law; and
  4. A maintenance agreement as deemed necessary and appropriate by the Zoning Administrator to ensure proper maintenance of best management practices in order to continue their functions.
- (b) Installation and bonding requirements:
1. Where a plan of development requires improvements such as but not limited to the buffer area establishment, landscaping, stormwater management facilities or other specifications, the plan shall not be approved until bonding / surety is provided for the completion of the improvements. No certificate of occupancy shall be issued until the installation of all required improvements are completed in accordance with the approved plan.
  2. The cost of the improvements will be determined, to the satisfaction of the Zoning Administrator, by the applicant providing two guaranteed estimates or an estimate provided by a licensed engineer.
  3. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to Northampton County.
  4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement through the issuance of a land disturbance permit. Should the applicant fail, after proper notice, to initiate, complete, or maintain appropriate actions required by the approved

plan, the surety may be forfeited to Northampton County. Northampton County may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

5. After all required actions of the approved plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Zoning Administrator may require a certificate of substantial completion from a professional engineer or Class III B Surveyor before making a final inspection.
- (7) Administrative responsibility. Administration of the plan of development process shall be in accordance with the site plan provisions of NCC §154.1-508 and / or NCC Chapter 156.
- (8) Appeals of administrative decisions regarding plans of developments shall be as provided in NCC §154.1101 and applicable law. Appeals from BZA decisions regarding plans of development shall be as provided in NCC §154.1102 and applicable law.

#### **§158.114 WATER QUALITY IMPACT ASSESSMENT.**

- (A) The purpose of the water quality impact assessment is to:
  - (1) Identify the impacts of proposed land disturbance, redevelopment, or development on water quality and lands within RPAs and other environmentally-sensitive lands;
  - (2) Ensure that, where land disturbance, redevelopment, or development does take place within RPAs and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;
  - (3) Protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage;
  - (4) Specify mitigation which will address water quality protection.
- (B) A water quality impact assessment is required for:

- (1) Any proposed land disturbance, redevelopment, or development within an RPA, including any buffer area modification or encroachment as provided for in NCC §158.108; and
- (2) Any land disturbance, redevelopment, or development in an RMA as deemed necessary by the Zoning Administrator due to the unique characteristics of the site or intensity of the proposed development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

(C) Minor water quality impact assessment. A minor water quality impact assessment pertains only to development activities within the ~~CBPACAP~~ which cause no more than 5,000 square feet of land disturbance and require any modification of or encroachment into the landward 50 feet of the 100-foot buffer area as permitted under this Chapter. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required best management practices will result in removal of no less than 75% of sediments and 40% of nutrients from post-development stormwater runoff and will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale which shows the following:

- (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 or 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;
- (5) Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
- (6) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal and erosion and runoff control.

(D) Major water quality impact assessment. A major water quality impact assessment shall be required for any development activities which exceed 5,000 square feet of land disturbance within the ~~CBPACAP~~ and propose to modify or encroach into the landward 50 feet of the 100-foot buffer area; propose to disturb or encroach into any portion of the seaward 50 feet of the 100-foot buffer area or any other component of an RPA; or are located completely in an RMA and is deemed necessary by the Zoning Administrator. The information required in this section shall be considered a minimum, unless the Zoning Administrator determines that some of the

elements are unnecessary due to the scope and nature of the proposed use and development of land. The following elements shall be included in the preparation and submission of a major water quality assessment:

- (1) All of the information required in a minor water quality impact assessment, as specified in subsection (C) above;
- (2) A hydro-geological 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 wetlands, streams, or other water bodies;
    3. Disruptions to existing hydrology including wetland and stream circulation patterns;
    4. Source location and description of proposed fill material, if applicable;
    5. Location of dredge material and location of dumping area for such material, if applicable;
    6. Estimation of pre- and post-development pollutant loads in runoff;
    7. Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
    8. Percent of site to be cleared for project;
    9. Anticipated duration and phasing schedule of construction project; and
    10. Listing of all requisite permits from all applicable agencies necessary to develop project; and
  - (d) Describes the proposed mitigation measures for the potential hydro-

geological impacts. Potential mitigation measures include:

1. Additional proposed erosion and sediment control concepts beyond those normally required under this Chapter; these additional concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection; and
  2. Proposed storm water management system.
- (3) A vegetative element that:
- (a) Identifies and delineates the location of all woody plant material on site, including all trees two inches or greater DBH or, where there are groups of trees, stands may be outlined;
  - (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 and other woody vegetation which is proposed to be removed; and
    3. Description of all plant species proposed to be disturbed or removed; and
  - (c) Describes the proposed measures for mitigation. Possible mitigation measures include:
    1. Proposed design plan and replanting schedule for trees and other woody vegetation proposed to be removed for construction, including a list of proposed plants and trees to be used;
    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; and
    4. Demonstration that the revegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal

and erosion and runoff control.

(E) Submission and review requirements.

- (1) Eight copies of all site drawings and other applicable information as required NCC §158.113 shall be submitted to the Zoning Administrator for review.
- (2) All information shall be completed by persons qualified to perform the scope of work required in this section and certified by a professional engineer or surveyor licensed in Virginia.
- (3) A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Zoning Administrator in conjunction with NCC §158.113.
- (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 NCC §158.113.
- (5) As part of any major water quality impact assessment submittal, the Zoning Administrator may require review by the Virginia Department of Environmental Quality (DEQ) and other agencies to assist in a complete review. Upon receipt of a major water quality impact assessment, the Zoning Administrator and other state and local agencies will determine if such review is warranted and may request DEQ to review the assessment and respond with written comments. Any comments by such agencies will be incorporated into the final review by the Zoning Administrator, provided that such comments are provided by said agencies within 60 days of the request.

(F) Evaluation procedure.

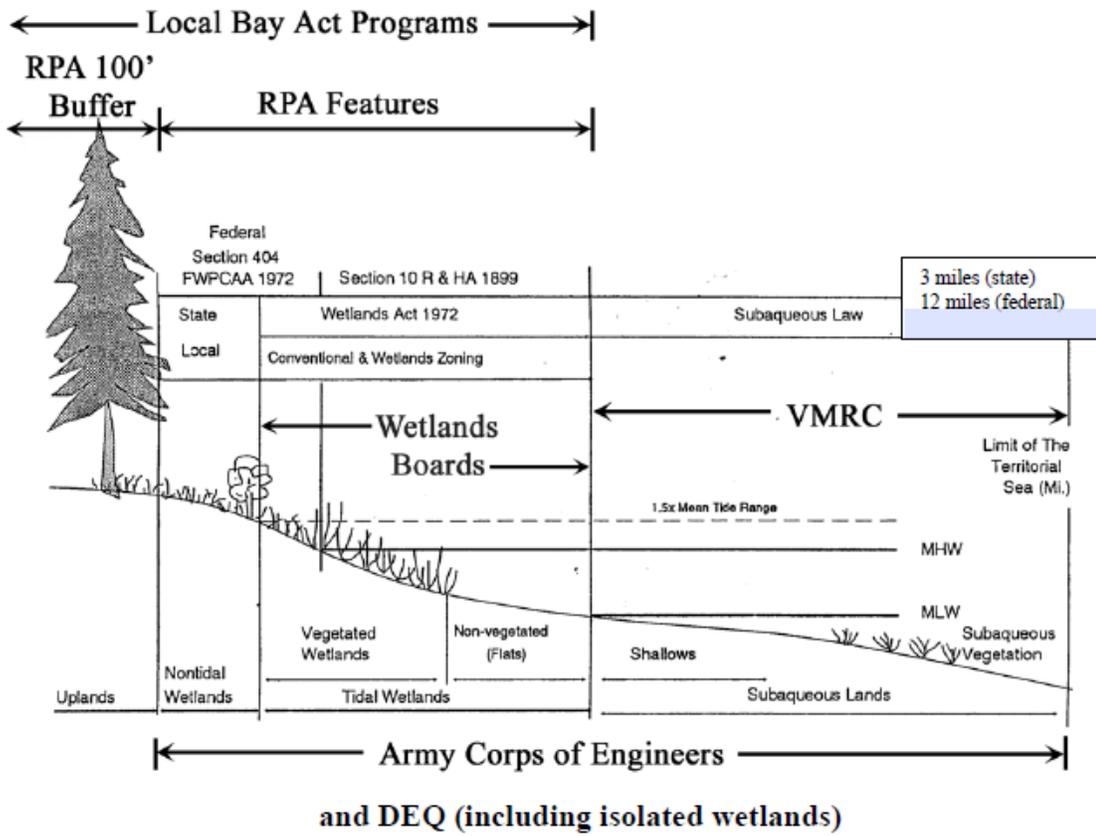
- (1) The Zoning Administrator may determine that a modification or reduction of the buffer area is appropriate if, after review of a complete minor water quality impact assessment, it is established that:
  - (a) The proposed encroachment is necessary to allow use of the property and improvements may not be placed elsewhere on the site to avoid disturbance of the buffer area;
  - (b) Impervious surface is minimized;
  - (c) Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
  - (d) Proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;

- (e) Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
  - (f) The development, as proposed, is consistent with the purpose and intent of this Chapter; and
  - (g) 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) Prior to the approval of a proposed project or development, the Zoning Administrator may determine that a modification or reduction of the buffer area is appropriate if, after review of a complete major water quality impact assessment, it is established that:
- (a) Within any RPA, the proposed development is water-dependent or constitutes redevelopment;
  - (b) The disturbance of any wetlands will be minimized by noting the percentage of existing wetlands to be disturbed and the acreage or square footage of proposed wetland disturbance;
  - (c) The development will not result in significant disruption of the hydrology of the site;
  - (d) The development will not result in unnecessary destruction of plant materials on site;
  - (e) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - (f) Proposed stormwater management concepts are adequate to control the stormwater runoff to achieve the required performance standard for pollutant control;
  - (g) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits as well as runoff control and pollutant removal equivalent to the full 100-foot undisturbed buffer area;
  - (h) The design and location of any proposed drainfield will be in accordance with the requirements of section 110 of Virginia State Health Department; and
  - (i) The development, as proposed, is consistent with the purpose and intent of the **CBPACAP**.

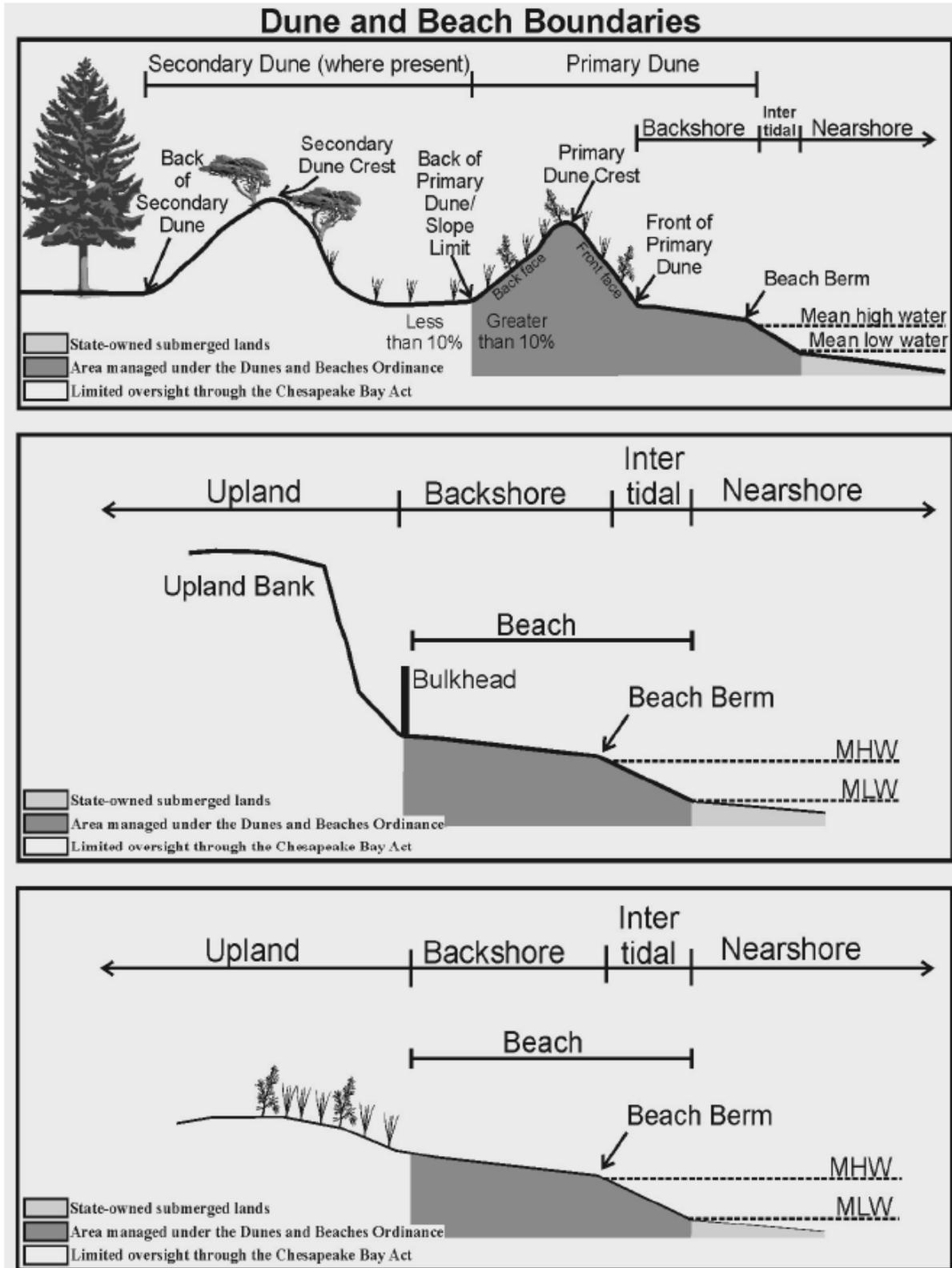
- (3) The Zoning Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Zoning Administrator based on the criteria listed above in NCC §158.114 (F) (1) and (2).
  
- (4) The Zoning Administrator shall find the proposal to be inconsistent with the purpose and intent of this Chapter when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Zoning Administrator based on the criteria set forth in NCC §158.114 (F) (1) and (2).

Appendix A

**JURISDICTIONAL BOUNDARIES**



Appendix B



## Appendix C

Department of Environmental Quality guidance document links.

Chesapeake Bay Preservation Act Guidance at:

<http://www.deq.virginia.gov/Programs/Water/LawsRegulationsGuidance/Guidance/StormwaterManagementGuidance.aspx>

1. [Administrative Procedures for the Designation and Refinement of Chesapeake Bay Preservation Area Boundaries](#)
2. [Determinations of Water Bodies with Perennial Flow](#)
3. [Exceptions](#)
4. [Nonconforming Structures and Uses](#)
5. [Resource Protection Area: Buffer Area Encroachments](#)
6. [Resource Protection Area: Onsite Buffer Area Delineation](#)
7. [Resource Protection Areas: Nontidal Wetlands](#)
8. [Resource Protection Areas: Permitted Development Activities](#)
9. [Riparian Buffers Modification & Mitigation Guidance Manual](#)
10. [Silvicultural Operations and the Chesapeake Bay Preservation Act](#)

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