

MEMORANDUM

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: April 6, 2016
RE: Items for Proposed 2016 Zoning Ordinance

At the Board's meeting on March 28, 2016, the Board touched upon two items and indicated a desire to consider some changes but did not reach a consensus position. This memorandum is to elaborate on those two remaining items to determine the Board's position.

Item #1: Event Venue – Need to select whether it is by Major Special Use Permit or Minor Special Use Permit:

At the March 28, 2016 meeting, Event Venue was added as a use to the proposed 2016 Zoning Ordinance and added to the Zoning Districts of Ag/RB, C-1 and E-I Districts by Special Use Permits (SUP); however, the proposed 2016 Zoning Ordinance has two types of SUP – Major or Minor. The Board needs to designate which type of SUP will be for Event Venue in each of the three identified zoning districts.

Item #2: Submittal Requirements for a Major and Minor SUP:

The Board indicated an interest in reviewing the submittal requirements for a major and minor Special Use Permit (SUP) and streamlining the requirements. Staff has indicated that some of the requirements are not applicable at the SUP process but are more appropriate as part of a site plan once an SUP has been approved by the Board of Supervisors.

Below are the submission requirements as contained in §154.2.042 SPECIAL USE PERMIT from the proposed 2016 Zoning Ordinance. Please note that we are not proposing any changes to the Statement of Justification section for Special Use Permits so I have not included it below. I have highlighted in YELLOW the items that staff is recommending for deletion and highlighted in GRAY the items that staff is recommending for insertion.

154.2.042 SPECIAL USE PERMIT.

(a) Major special use permits. When a major special use permit application is submitted, ~~ten copies~~ **ONE COPY** of **each** of the following items must be submitted in conjunction with the application before it can be accepted:

1. The legal description of the property for which the special use permit is requested, as well as the names of all owners of the properties involved.
2. A certified plat showing the property drawn at a scale with sufficient references to existing streets and subdivisions to enable the property to be located on county maps. The plat must include:
 - a. A scale and north arrow (if feasible, oriented to the top);
 - b. The locations, names, route numbers, and distances to existing and proposed on-site and adjacent streets, roads, and rights-of-way;
 - ~~c. Profiles showing the property's existing and proposed topography, road/street elevations;~~
 - d. A **conceptual** grading plan ~~showing the proposed grading~~ of the site;
 - e. The locations and distances to and proposed utility lines, property boundary lines, trails, bike and/or bridle paths, water bodies and Chesapeake Bay Preservation features;
 - f. The types and locations of the property's soils;
 - g. The locations of the existing and proposed sewage disposal systems and water supply;
 - h. The locations of open space areas;
 - i. The locations and distances to existing and proposed buildings, structures, and uses;
 - j. The names and numbers of all boundary roads/streets, as well as the widths of all existing and proposed streets, roads and/or rights-of-way and parking areas;
 - k. Information in a tabulation chart identifying the ~~existing-zoning, the proposed zoning,~~ the existing and proposed uses(s) of the properties, the existing and proposed number of dwelling units and supporting buildings or structures and their sizes in square feet (for proposed residential uses), the number of existing and proposed buildings or structures and their sizes in square feet and/or floor area ratio (for proposed non-residential uses), ~~the amount and type of existing and proposed open space,~~ **the proposed density**

for residential use the area used to calculate density/intensity of the proposed use, and the vehicle trips per day and by peak hour anticipated to be generated by the existing and proposed uses (Institute of Transportation Engineers (ITE) trip generation figures should be provided at a minimum);

1. The plat shall contain the seal and signature of the professional that prepared it, as well as a statement that the plat complies with all applicable zoning ordinance requirements or that the plat would necessitate modifications or exceptions of certain zoning regulations to gain approval, along with a list fully identifying all exceptions or modifications needed. Such professional must be licensed in the Commonwealth of Virginia to prepare and submit such plats/plans.

3. The names and addresses of the property owners abutting the application property and across the street from it, and the county tax parcel numbers of their properties.

4. A completed application for major special use permit, on forms provided by the Zoning Administrator, including payment of the review fee.

5. A written Statement of Justification for the application addressing the guidelines set forth in division (B)(4) below to the extent possible.

(b) Minor special use permits. When a minor special use permit application is submitted, the following items must be submitted in conjunction with the application before it can be accepted.

1. ~~Four copies~~ **ONE COPY** of a legal description of the property for which the special use permit is requested, as well as the names of all owners of the properties involved.
2. ~~Four copies~~ **ONE COPY** of an accurately scaled drawing showing the property drawn at a scale with sufficient references to existing streets and subdivisions to enable the property to be located on county maps. The drawing must show:
 - a. The locations and distances to water bodies and Chesapeake Bay Preservation features;
 - b. Soil types;
 - c. Open space areas;
 - d. The locations, names, route numbers, and distances to existing and proposed on-site and adjacent streets, roads, and rights-of-way;

e. The locations of the existing and proposed sewage disposal systems and water supply;

f. The locations and distances to existing and proposed buildings, structures, and uses;

g. The signature of the applicant attesting that what is shown thereon is true and accurate, complies all applicable zoning ordinance requirements or that the plat would necessitate modifications or exceptions of certain regulations to gain approval, along with a list fully identifying all exceptions or modifications needed.

3. The names and addresses of the property owners abutting the application property and across the street from it, and the county tax parcel numbers of those properties.

4. A completed application for minor special use permit on forms provided by the Zoning Administrator, including payment of the review fee.

5. A written Statement of Justification for the application addressing the guidelines set forth in division (B)(4) below to the extent possible.

PROPOSED MOTION – 4-6-2016
Prepared by Katie H. Nunez, County Administrator
& reviewed by County Attorney Bruce Jones

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", attached and 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 what is labeled "Exhibit 2" (the Zoning Map), attached and amended to include any changes or corrections approved by the Board of Supervisors as amendments to this Map offered at the time of adoption and reflected in the minutes.

Finally, I move that the Board of Supervisors repeal Chapter 158 (Chesapeake/Atlantic Preservation Areas Ordinance) of the Northampton County Code and Chapter 154.1 (Zoning) of the Northampton County Code 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 and 2 as amendments to this Ordinance offered at the time of adoption and reflected in the minutes.

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, after due consideration of the County's Comprehensive Plan, reviewed and studied the zoning regulations and maps for Northampton County; and

WHEREAS, on March 9, 2016, 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 Text Amendment ZTA 2016-01 as amended (Exhibit 1 attached hereto) and Northampton County Zoning Map amendment ZMP 2016-01 as amended (Exhibit 2 attached hereto); and

WHEREAS, on March 16, 2016, the Planning Commission provided its recommendation concerning the proposed Northampton County Zoning Text Amendment ZTA 2016-01 (Exhibit 1 attached hereto) and proposed Northampton County Zoning Map Amendment ZMP 2016-01 (Exhibit 2 attached hereto) as amended; and

WHEREAS, copies of proposed Northampton County Zoning Code Text Amendment ZTA 2016-01 as amended and proposed Northampton County Zoning Map Amendment ZMP 2016-01, as amended, are attached hereto as Exhibits 1 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 Text

Amendment ZTA 2016-01, as amended (Exhibit 1 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 Amendment ZMP 2016-01, 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 (Chapter 154.1) previously adopted by this Board or its predecessors are hereby repealed and the Chesapeake/Atlantic Preservation Areas Ordinance (Chapter 158) is also 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. Authorization of Zoning Staff to Merge the three primary Documents (former Zoning Ordinance 2009, former Zoning Ordinance 2000 and former Zoning Ordinance 1983 which comprised the Northampton County Zoning Text Amendment 2016-01, as amended) into one document to be known as the 2016 Zoning Ordinance. The Zoning Staff is hereby authorized and directed to take the documents which comprised the Zoning Text Amendment 2016-01 and were formerly known as the 2009 Zoning Ordinance, 2000 Zoning Ordinance and the 1983 Zoning Ordinance as amended, and to merge said documents into one document to be known as the 2016 Zoning Ordinance. The staff is to eliminate the components of the 2000 and 1983 documents that are extraneous and to format the document consistent with the 2015 zoning ordinance in terms of the district pages which list intent, uses, and density by district as well as to retain the use chart in the 2016 zoning ordinance and to correct any other formatting issues, including grammar and spelling.

Section 6. 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 7. Effective date. The Northampton County Zoning Ordinance Text and Map adopted hereby are effective immediately as of their adoption.

Exhibit 1 referenced in the motion are the 1983 zoning ordinance and the consensus drafts of the 2000 and 2009 zoning ordinances which are available on the County's website (www.co.northampton.va.us) on the Planning & Zoning page as shown below:

Proposed 1983 Ordinance

2009 Zoning Code Public Hearing Draft on 3-9-2016 with Amendments by BOS Consensus 3-28-2016

2000 Zoning Code Public Hearing Draft on 3-9-2016 with Amendments by BOS Consensus 3-28-2016

Exhibit 2 is the proposed zoning map which will be distributed later this week.