

**Chapter 148: ZONING**

[HISTORY: Adopted by the Board of Supervisors of Northumberland County 9-1-1974. Amendments noted where applicable. Extensive revisions made in 2006 including several new Articles, adopted by the Board of Supervisors xx-xx-2006]

**GENERAL REFERENCES**

Building construction — See Ch. 45.  
 Chesapeake Bay Preservation Area — See Ch. 54.  
 Erosion and sediment control — See Ch. 64.  
 Floodplain management — See Ch. 76.  
 Subdivision of land — See Ch. 128.  
 Wetlands — See Ch. 144.

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## ARTICLE I General Provisions

### § 148-1. Adoption of standards.

Be it ordained, by the governing body of Northumberland County, Virginia, for the purpose of promoting the health, safety or general welfare of the public and or further accomplishing the objectives of § 15.2-2283, the following be adopted as the zoning ordinance of Northumberland County, Virginia, together with the accompanying maps.

### § 148-2. Purpose.

This chapter has been designed to:

- A. Provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.
- B. Reduce or prevent congestion in the public streets.
- C. Facilitate the creation of a convenient, attractive and harmonious community.
- D. Expedite the provisions of adequate police and fire protection, disaster evacuation, civil defense, transportation, water sewage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
- E. Protect against destruction of or encroachment upon historic areas.
- F. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.
- G. Encourage economic development activities that provide desirable employment and enlarge the tax base.

### § 148-3. Definitions and word usage.

- A. Definitions. For the purpose of this chapter, certain words and terms are defined as follows:

ABATTOIR — A commercial slaughterhouse.

ACCESSORY USE OR STRUCTURE — A subordinate use or structure not containing a dwelling unit and customarily incidental to and located upon the same lot occupied by the main structure.

ACREAGE — A parcel of land, regardless of area, described by metes and bounds, which is not a numbered lot on any recorded subdivision plat.

ADULT ASSISTED-CARE FACILITY — A building or group of buildings which, for compensation, provide sleeping and dining accommodations specifically for persons to assist in their day-to-day living needs but not specific health-care needs. This facility is licensed by the State Department of Social Services and does not include the definition of a "nursing home" or "hospital." **[Added 10-9-1997; amended 2-12-1998]**

AGRICULTURE — The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl.

AIRPORT — Any area of land or water which is used, or intended for ~~public~~ use, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities located thereon.

ALTERATION — Any change in the total floor area, use, adaptability or external appearance of an existing structure.

ANTIQUÉ SHOP — A building where goods are offered for sale consisting primarily of new or reconditioned merchandise or of bona fide antiques.

AUTOMOBILE GRAVEYARD — Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

BASEMENT — A story having part but not more than 1/2 of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes or for dwelling purposes by other than a janitor employed on the premises.

BOARDINGHOUSE — A building where, for compensation, lodging and meals are provided for at least five and not more than 14 persons.

BOATHOUSE, PRIVATE — A structure built over a tidal waterway on pilings that shelters a boat by complete or partial enclosures. **[Added 4-14-1988]**

BUILDING — Any structure having a roof supported by columns or walls, for the housing or enclosure of person, animals or chattels.

BUILDING, HEIGHT OF — The height shall be measured from the average elevation of the ground surface along the front of the building.

CAMPING TRAILERS — A vehicular portable structure mounted on wheels, constructed with collapsible, partial sidewalls of fabric, plastic or other pliable materials for folding compactly while being transported.

CAMPS AND CAMPGROUNDS, RECREATIONAL — An area, whether publicly or privately owned, upon which are located sites for two or more travel trailers, camping trailers, truck trailers, motor homes or tents for seasonal or temporary recreational occupancy.

CARGO CONTAINER STORAGE – Shipping container, with or without wheels, to be used for private storage. (Does not include temporary contractor storage on construction sites.) (Added January 12, 2006)

CELLAR — A story having more than 1/2 of its height below-grade.

CHILD-CARE CENTER — Any place, home or institution which receives five or more children under the age of 14 years and not of common parentage, for the care apart from their natural parents, legal guardians or custodians, when received for a regular period of time for compensation, provided that this definition shall not include public or private schools organized, operated or approved under Virginia laws or custody of children fixed by a court or competent jurisdiction or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, activities, meetings or at work.

CIRCUIT COURT — The Circuit Court of the County.

CLINIC — An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

CLUSTER HOME DEVELOPMENT — ~~A type of a development that allows the reduction of lot sizes below the minimum requirements of this chapter if the land thereby gained is preserved as permanent open space for the community.~~ A form of residential development that concentrates

buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.

CLUSTER GROUP- A group of residential dwellings within a cluster development, surrounded by common open space The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

COMMON FACILITIES- All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private roads, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities.

COMMON ELEMENT. The common facilities in a condominium or home owners association.

COMMISSION — The Planning Commission of Northumberland County, Virginia.

~~COMMON OPEN SPACE — All open spaces within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development, and not dedicated as public lands. Undeveloped land within a development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.~~

COMMUNITY ASSOCIATION – A condominium or homeowners association.

CONCRETE WORKS — A structure or area used for the manufacture of concrete and/or concrete products.

~~CONDOMINIUM — A condominium as defined in § 55-79.41 of the Code of Virginia. [Amended 8-13-1998]~~

CONDOMINIUM — Ownership of single units in a real estate project having common elements and three or more apartments, rooms, office spaces, dwelling or other units, whether such units are located in a multiple-unit structure or attached to or detached from other units. Ownership includes fee simple title to a residence or place of business and undivided ownership, in common with other purchasers, of the common elements in the structure(s), including the land and its appurtenances. Townhouses are often referred to as “condominiums” but see below for a more restrictive definition of “townhouses”. A condominium is a legal form of ownership and not a specific building type or style. See § 55-79.41 of the Code of Virginia.

CONDOMINIUM ASSOCIATION-An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

CONSERVATION EASEMENT-The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

CONTRACTOR — An individual or company that agrees to furnish material or perform services at a specified price, especially for construction work. An individual or company obtaining the permit

~~and responsible for complying with the procedures for transporting sludge from the source to a storage facility and/or for the application of sludge onto the land.~~

COUNTY — The County of Northumberland, Virginia.

DAIRY — A commercial establishment for the manufacture, processing and/or sale of dairy products.

DEED RESTRICTION- A restriction on the use of a property set forth in the deed.

DENSITY EXCHANGE OPTION. (DENSITY TRANSFER) - An optional transfer of density between parcels within the RC Rural Cluster District.

DEVELOPMENT RIGHTS- A broad range of less than fee-simple ownership interests. An owner may keep fee simple rights to his land and sell the development rights to another. The owner retains the title, but agrees to keep the land natural and undeveloped, with the right to develop resting with the holder of the development rights. See *Transfer of Development Rights*.

DISTRICT — A division of territory within the County for the purposes of the regulation of its use under the provisions of this chapter.

DUMP HEAP (TRASH PILE) — Any area of 100 square feet or more lying within 1,000 feet of a state highway, a residence, a dairy barn or food-handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

DWELLING — Any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, motels, trailers and travel trailers.

DWELLING, MULTIPLE FAMILY/APARTMENT HOUSE — A structure arranged or designed to be occupied by more than two families, living independently of each other.

DWELLING, SINGLE-FAMILY — A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

DWELLING, TWO-FAMILY — A structure arranged or designed to be occupied by two families, the structure having only two dwelling units usually separated by a common wall and with separate private entrances. Sometimes called a “duplex”.

DWELLING UNIT — One or more rooms in a structure designed for living or sleeping purposes and having at least one bath or kitchen.

FAMILY — One or more persons occupying a premises and living in a dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, lodging house, tourist home, hotel or motel.

FAMILY CARE HOME, FOSTER HOME or GROUP HOME — A care facility or home serving mentally retarded or other developmentally disabled persons not related by blood or marriage and which is licensed by the state.

FAMILY MOBILE HOME PARK — Any lot, site, field or tract of land upon which is located a minimum of two and a maximum of four occupied mobile homes of which mobile homes or lots are intended for use by a person or persons who is in the immediate family of the property owner as defined in the Code of Virginia, as amended.

FARMSTEAD- A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, storage sheds, cribs, and coops, and which may or may not include a dwelling.

FERRY — A vessel used to transport passengers, vehicles, and/or goods over a body of water.  
**[Added 9-13-2001]**

FLOODPLAINS- Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood

FRONTAGE — The minimum width of a lot measured from one side lot line to the other along a straight line on which one point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

GARAGE, PRIVATE — An accessory building designed or used for the storage of private automobiles owned and used by the occupants of the building to which it is an accessory.

GARAGE, PUBLIC — A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor vehicles.

GARDEN APARTMENT – A multi-family building consisting of several dwelling units that share one or more common entrances

GENERAL STORE, COUNTRY — A single store, the ground floor area of which is 4,000 square feet or less, and which offers for sale general merchandise. Gasoline may also be offered for sale, but only as a secondary activity of a country general store.

GOLF COURSE — Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

GOLF DRIVING RANGE — A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

GOVERNING BODY — The Board of Supervisors of Northumberland County.

GUARDHOUSE/SECURITY BUILDING — A building which may be occupied by a guard and located at the entrance to a subdivision (with not less than 10 lots), business or industry for the purpose of providing security to the people and property therein. A guardhouse shall not exceed one story in height, 144 square feet in area and, if located along public or private street rights-of-way, shall have a minimum setback of 10 feet from the edge of the right-of-way and shall be approved by the Virginia Department of Transportation.

GUEST HOUSE — A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure and containing a dwelling unit not exceeding the main structure in total square footage and not intended for the purpose of renting.

HEALTH OFFICIAL — The legally designated health authority of the State Board of Health who is legally designed for the County, or his or her authorized representative.

HEDGEROW- A row of shrubs or trees planted for enclosure or separation of fields.

HEIGHT OF BUILDING- The vertical distance measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level roof or, for gable or hip roofs, to the mean height between the eaves and the ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

HISTORICAL AREA — As indicated on the Zoning Map to which the provisions of this chapter apply for the protection of a historical heritage.

HOME OCCUPATION — An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display of products outside of the home.

HOMEOWNERS ASSOCIATION- An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division or cluster development.

HOME PROFESSIONAL OFFICE — The office, studio or occupational room/rooms of a physician, dentist, lawyer, surveyor, architect, musician or other licensed person, when such use is conducted within a dwelling which is a bona fide residence of the practitioner.

HOSPITAL — An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases including institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be a home occupation if they comply with the definitions herein.)

HOSPITALS, SPECIAL CARE — An institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

HOTEL — A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

HUNT CLUB FACILITY — A group of individuals organized for the purpose of hunting wildlife or game and which own, lease or rent a building and/or facility. Membership fees, regular meetings and bylaws may or may not be required by the organization. **[Added 7-9-1992]**

JUNKYARD — The use of any area of land lying within 100 feet of a state highway or the use of more than 1,000 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals, or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in § 33.1-348, Code of Virginia. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

KENNEL — A place prepared to house, board, breed, handle, sell or otherwise keep or care for dogs or ~~their other~~ small animals in return for compensation.

LIGHT INDUSTRY — Includes warehousing and light manufacturing used which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise or odors. Examples are lumberyards, warehouses, research laboratories, auto repair shops, bakeries, bottling plants, electronic plants, storage warehouses, steel or metal fabrication.

LIVESTOCK MARKET — A commercial establishment wherein livestock is collected and sold.

LOT — A parcel of land occupied by or to be occupied by one main structure and/or guest house and/or accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

LOT, CORNER — A lot abutting on two or more streets at their intersections. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE — An interior lot having frontage on two streets.

LOT, INTERIOR — Any lot other than a corner lot.

LOT OF RECORD — A lot, a plat or description of which has been recorded in the Clerk's office of the Circuit Court.

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

MAIN BUILDING OR STRUCTURE — The principal building on a lot or the building housing the principal use on the lot.

MANUFACTURE and/or MANUFACTURING — The processing and/or converting of raw

unfinished materials or products or any of them into articles or substances of a different character or for use for a different purpose.

**MARINA/BOATYARD, COMMERCIAL** — A boating establishment operated for profit located on a tidal waterway, which may provide covered or uncovered boat slips, dock space or dry boat storage where hull and engine repairs, boat and accessory sales, packaged food and/or beverage sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided. **[Amended 12-14-1989]**

**MARINA, PRIVATE, NONCOMMERCIAL OR CLUB-TYPE** — A boating establishment located on a tidal waterway, which may provide covered or uncovered boat slips, dock space or dry boat storage intended to be used for mooring of boats by residents of the general neighborhood or a club with no commercial facilities. **[Amended 12-14-1989]**

**MOBILE HOME PARK** — Any site, lot, field or tract of land upon which is located two or more occupied mobile homes or which is held out for the location of any occupied mobile home, which mobile homes or lots are intended for use by a person or persons other than the property owner (tenant, lessee or other person entitled to the possession). *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**MOBILE/MANUFACTURED HOME** — A dwelling unit subject to federal regulations, not constructed in accordance with the standards set forth in the Virginia Uniform Statewide Building Code *Editor's Note: See Ch. 45, Building Construction.* applicable to site-built homes, composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, ~~and exceeds 40 feet in length and eight feet in width.~~ **[Amended 11-13-1986]**

**MOTEL, TOURIST COURT, AUTO COURT, CABIN or MOTOR LODGE** — One or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking space conveniently located next to each unit. Cooking facilities may be provided for each unit. **[Amended 8-8-1985]**

**MULTI-USE STRUCTURE** – A building constructed or erected, which contains more than two dwelling units or business units, such as would contain a number of town houses or business units or a combination of the two.

**NET BUILDABLE ACREAGE OR NET BUILDABLE AREA (NBA)**- A calculated area upon which the density for cluster development is computed. Net buildable acreage is the area of a site remaining after subtracting all or a percentage of the following areas from the site's gross area: existing road rights-of-way, floodplains, wetlands, ponds and lakes, steep slopes, historical and archeological sites, and utility rights-of-way.

**NET OPEN SPACE - Gross Area (excluding the Tidal and Non-Tidal Wetlands, and Septic Fields) less Impervious Areas (structures, parking, driveways, walkways, etc.). This space shall take the form of parks or play areas, etc., available to all property owners in the development and shall not include front, rear or side yard areas of individual townhouse units.**

**NONCONFORMING ACTIVITY** — The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located.

**NONCONFORMING LOT** — An otherwise legally platted lot that does not conform to the minimum area of width requirements of this chapter for the district in which it is located.

**NONCONFORMING STRUCTURE** — An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter or is designed or intended for a use that does not conform to the use regulations of this chapter for the

district in which it is located.

NONPROFIT CONSERVATION ORGANIZATION- A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the "acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

NURSING HOMES — Any structure occupied by sick, infirm or convalescent persons who are attended by medical personnel caring for their physical and mental requirements, generally on a long-term basis, which is licensed by the State Department of Health.

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

PARKWAY. A divided roadway with a central divider equivalent to at least 10 feet in width and suitable for planting bushes and trees.

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

PIER, COMMERCIAL — Any open pile structure built over tidal waters used for the loading and off-loading of commercial goods and/or for the mooring of any commercial boat(s) and/or marine construction equipment (whether or not it is owned by the property owner). **[Added 4-14-1988; amended 10-8-1998]**

PIER, COMMUNITY — Any open pile structure built over tidal waters used for the mooring of boats by the residents and guests of a specific neighborhood or development with no water related commercial facilities or activities. **[Added 4-14-1988; amended 8-13-1998]**

PIER, PRIVATE NONCOMMERCIAL — Any open pile structure, including any associated mooring piles, built over tidal waters, also referred to as a "dock" or "wharf," used for the mooring of the property owner's boat(s). The loading and off-loading of the property owner's seafood and/or passengers for hire is allowed. **[Amended 10-8-1998]**

(PUD) — A planned unit development is a self-contained development with a mixture of housing types and densities. The land uses in such a development are also mixed and may include residential, commercial and other types of uses. In general, conventional zoning and subdivision regulations apply to the planned unit development as a whole and not to individual lots in a planned unit development, but instead they control the overall density of the development. Area requirements in a planned unit development (PUD) served by both public water and sewage may be modified by the governing body. **[Added 12-9-1981; 2-24-1982]**

PORT — A facility where vessels may take on or discharge passengers, vehicles, and/or goods. **[Added 9-13-2001]**

PRIVATE CLUB, FRATERNAL LODGE — Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, for the benefit of its members, but primarily for profit, ~~which insures to any individual~~ and not primarily to render a service which is customarily carried on as a business.

PUBLIC OR GOVERNMENTAL BUILDINGS OR FACILITIES — Includes schools, parks, parkways, playgrounds, public boat landings, fire and rescue stations, educational and philanthropic institutions (including museums, art galleries, libraries, community centers or any other buildings or facilities owned by federal, state or local government).

PUBLIC WATER AND SEWER SYSTEMS — A water or sewer system owned and operated by a municipality or County or owned and operated by an individual or a corporation for public use.

REQUIRED OPEN SPACE — Any space required by this chapter.

RESTAURANT — Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.

REST HOME — Any place containing beds for two or more patients established to render domiciliary care for chronic or convalescent patients, but not including child-care homes or facilities for the care of mental, epileptic, alcoholic patients or drug addicts.

RESTRICTIVE COVENANT – See Deed Restriction

RETAIL STORES AND SHOPS — Buildings for the display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumberyards).

ROADSIDE STAND, WAYSIDE STAND or WAYSIDE MARKET — Any structure or land used for the sale of agricultural or marine produce.

ROW HOUSE – See Townhouse

SAWMILL — A permanent sawmill located on public or private property for the processing of timber.

SAWMILL, PORTABLE — A portable sawmill for cutting timber grown primarily on the premises.

SEASONAL AGRICULTURAL HOUSING FACILITY — One or more structures, buildings, trailers or 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 seasonal worker engaged in agricultural or fishing activities, including related food processing. Seasonal agricultural housing facility does not include a summer camp, campground, hotel or any other housing which in the ordinary course of business is regularly offered to the general public on a commercial basis and is provided to any seasonal worker on the same or comparable terms and conditions as provided to the general public.

SEASONAL WORKER — Any individual who passes seasonally from one place to another for the purpose of employment, who is not a year-round employee and who occupies living quarters other than his or her permanent home during the period of such work.

SEPARATION DISTANCE- The required dimensional distance between the outer boundary of a cluster group and another specified feature of the development.

SERVICE AND REPAIR SHOP — A shop for the sale, service and repair of home appliances, office machines, television and radio equipment, garden and lawn maintenance equipment and outboard motors.

SETBACK — The minimum distance by which any building or structure must be separated from the front lot line.

SIGN — Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose 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, any ~~pickrock~~, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

SIGN, BUSINESS — A sign which directs attention to a product, commodity or service available on the premises.

SIGN, DIRECTIONAL — A sign (one end of which may be pointed or on which an arrow may be painted, indicating the direction to which attention is called), giving the name and approximate location only of the farm or business responsible for the erection of the same.

SIGN, GENERAL ADVERTISING — A sign which directs attention to a product, commodity or service not necessarily conducted, sold or offered upon the same lot where such sign is located.

SIGN, HOME OCCUPATION — A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

SIGN STRUCTURE — Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.

SIGN, TEMPORARY — A sign applying to a seasonal or other brief activity, such as, but not limited to, summer camps, horse shows, auctions or sale of land.

SKIRT — A covering of rigid material extending from the bottom of a mobile home to the ground and covering the entire circumference of the mobile home.

Editor's Note: The former definitions of "sludge" and "sludge storage," which immediately followed, were repealed 2-19-2004. See now Ch. 39, Biosolids.

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

STORY, HALF — A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 2/3 of the floor area is finished for use.

STREET LINE — The dividing line between a street or road right-of-way and the contiguous property.

STREET, RIGHT-OF-WAY or ROAD — A public or private thoroughfare used for the purpose of ingress or egress to and from property.

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.

TENT CAMPING — A privately owned lot or parcel upon which a tent, temporary structure or vehicle used for occupancy is located. **[Added 6-14-1990]**

TOURIST HOME — A dwelling where only lodging is provided, for compensation, for 14 or fewer persons (in contradiction to hotels and boardinghouses) and open to transients.

TOWNHOUSE – A dwelling located in a multi-family building with both private front and rear entrances and private front and rear property. There is no common property as described under the "Condominium" definition. A "Row House" is an alternative name.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT – A planning concept derived from a number of common themes that include compact design, mixed uses, multiple modes of transportation, and responsive to cultural and environmental context.

TRAVEL TRAILER PARK or TRAVEL TRAILER CAMP — Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.

TRAVEL TRAILERS — A portable structure used as a temporary dwelling for travel, recreation or vacation and is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and designed for temporary use as sleeping quarters, but does not satisfy the definitional criteria of a mobile home. **[Amended 11-13-1986]**

- (1) Travel trailer units shall be tied into an approved Health Department sewerage system unless it is located in an area (campground or subdivision) which has an approved dumping station, approved by the Health Department, or it is located on the same property and adjacent to the main residence. **[Added 11-13-1986]**

- (2) A conditional use permit is required for any exception to Subsection (1) above. **[Added 11-13-1986]**

TRUCK CAMPER — A portable structure designed to be loaded onto or fixed to the bed or chassis of a truck.

VARIANCE — A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for the height, area and size of a structure or the size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

WIND TURBINE — A wind-powered machine used to generate electricity. **[Added 3-11-2004]**

WOOD CHIPPING/GRINDING FACILITY — A facility for the chipping, grinding, or mulching of wood products. **[Added 11-14-2002]**

YARD — An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by structures, except as otherwise provided herein.

- (1) FRONT — An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- (2) REAR — An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot, and extending the full width of the lot.
- (3) SIDE — An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side of the lot, and extending from the front yard line to the rear yard line.

ZONING ADMINISTRATOR — The official charged with the enforcement of this chapter. He or she may be an appointed or elected official who is, by formal resolution, designated to the position by the governing body. He or she may serve with or without compensation as determined by the governing body.

- B. Word usage. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

#### **§ 148-4. Districts.**

For the purpose of this chapter, the unincorporated areas of the County are hereby divided into the following districts:

C-1 Conservation

A-1 Agricultural

R-1 Residential General

R-2 Residential Waterfront

R-3 Residential Restricted

R-4 Multi-Family

R-5 Planned Unit Development

B-1 Business General

B-2 Village Support

B-3 Waterfront Village Support

M-1 Industrial (~~Light~~)

H-1 Historical Site District

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**ARTICLE II Conservation District C-1****§ 148-5. Purpose.**

This district covers the portions of the County which are occupied by various open uses, such as forests, parks, farms, lakes, marshlands and wetlands ~~subject to the Wetlands Board~~. This district is established for the specific purpose of facilitating existing and future farming operations, conservation of water and other natural resources, reducing soil erosion, protecting watersheds and reducing hazards from flood and fire. Uses not consistent with the existing character of this district or with the provisions of any other law, state or federal, applicable to these portions of the County are not permitted.

**§ 148-6. Use regulations. [Amended 4-9-1987; 4-14-1988; 6-14-1990; 8-13-1998]**

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Home occupations.
- (3) Home professional offices.
- (4) ~~Golf courses.~~
- (5) Swimming pools or tennis courts, private ~~and commercial.~~
- (6) Accessory structures.
- (7) Cemeteries.
- (8) Preserves and conservation areas.
- (9) Farming, with livestock.
- (10) Farming and forestry, without livestock.
- (11) ~~Seafood processing.~~
- (12) ~~Food processing and canning.~~
- (13) ~~Portable sawmills.~~
- (14) ~~Boat sales or rentals.~~
- (15) ~~Grain elevators.~~
- (16) ~~Individual travel trailer with a skirt.~~
- (17) Guest house.
- (18) Tent camping.
- (19) Individual mobile/manufactured homes, with a skirt. **[Added 3-13-2003]**
- (20) Storage of an unoccupied mobile home. *Editor's Note: See § 148-124D for storage requirements.* **[Added 3-13-2003]**

(21) Boathouses. Construction of a boathouse is permitted if the boathouse is open-sided, does not exceed 18 feet in width, 36 feet in length and 20 feet in height and the adjoining or nearby property owners do not object the boathouse.

(22) Private non-commercial pier

(23) Temporary construction offices

(24) Nonaccessory tents, (maximum 2 day event)

(25) Parks and playgrounds

(26) Home child care centers

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-~~137223~~:

(1) Two private, noncommercial piers on the same parcel.

(2) ~~Hotels and motels.~~

(3) Commercial or community piers.

(4) ~~Guardhouse/security building.~~

Seafood Processing

#### **§ 148-7. Area regulations; exemptions.**

A. For lots containing or intended to contain permitted uses, the minimum lot area shall be 80,000 square feet. Minimum lot areas less than 80,000 square feet may be permitted under a conditional use permit issued by the governing body. ~~Public water and sewer systems shall be exempt from area regulations.~~

B. Exemptions from area regulations. The following uses shall be exempt from area regulations: public water and sewer systems. **[Added 8-9-1991]**

#### **§ 148-8. Setback.**

Structures shall be located 50 feet or more from any street right-of-way which is 50 feet or greater in width or 75 feet or more from the center line of any street right-of-way less than 50 feet in width. This line shall be known as the "setback line."

#### **§ 148-9. Frontage.**

The minimum frontage for permitted uses shall be 150 feet at the setback line.

#### **§ 148-10. Yards.**

A. Side. The minimum side yard for the main structure and/or guest house shall be 25 feet, and the total width of the two required side yards shall be at least 50 feet. The minimum side yard for each accessory structure shall be eight feet.

B. Rear. The minimum rear yard for the main structure and/or guest house shall be 50 feet. The minimum rear yard for each accessory structure shall be ~~eight~~ fifteen feet.

**§ 148-11. Height regulations.**

- A. ~~For farms, B~~ buildings may be erected up to a height of 35 feet. For buildings over 35 feet, an approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
- B. The height limit for buildings may be increased 10 feet, provided that there are two side yards for each permitted use, each of which is ~~40-25~~ feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet. **[Amended 4-8-2004]**
- C. A public or semipublic building, such as a school, church, library or hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- D. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- E. No accessory building which is within 10 feet of any party lot line shall be more than one story high.

**§ 148-12. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-13. Signs.**

Sign regulations shall conform to Article ~~XIV~~XVII of this chapter.

**§ 148-14. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-~~114~~192.

**§ 148-15. Special provisions for corner lots.**

- A. The side yard on the side facing the side street shall be 50 feet or more for both main and accessory structures.
- B. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of 150 feet or more.

**§ 148-16. Exemptions from rear yard regulations.**

The following businesses, which would suffer a hardship from adhering to the rear yard area regulations, shall be exempt from this restriction upon approval of the Health Department:

- A. Marina/boatyard, commercial.
- B. Marina, private noncommercial or club-type.
- C. Seafood processing.
- D. Piers, commercial.
- ~~E. Grain elevators.~~

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**ARTICLE III Agricultural District A-1****§ 148-17. Purpose.**

This district covers the portions of the County which are occupied by various open uses, such as forests, parks or farms. This district is established for the specific purpose of facilitating existing and future farming operations, conservation of water and other natural resources, reducing soil erosion, protecting watersheds and reducing hazards from flood and fire. To ensure the success of the above goals, it is necessary to maintain as low a density of development as possible. The character of this district should remain agricultural in nature, with industry or commercial business allowed in it when it will benefit the area without degrading the environment.

When large agricultural areas are proposed for residential subdivision or mixed residential and commercial subdivision usage (over 35 acres), the requirements of Article VIII Planned Unit Development R-5 shall apply.

**§ 148-18. Use regulations. [Amended 4-9-1987; 4-14-1988; 8-11-1988; 6-14-1990; 8-9-1991; 8-13-1998]**

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) (Reserved) Editor's Note: Former Subsection A(2), regarding two-family dwellings, was repealed 12-11-2003. See now Subsection B(16).
- (3) (Reserved) Editor's Note: Former Subsection A(3), regarding multiple-family dwellings/apartment houses, was repealed 12-11-2003. See now Subsection B(17).
- (4) ~~Rest homes.~~
- (5) Preserves and conservation areas.
- (6) Family Cemeteries.
- (7) ~~Motels and hotels.~~
- (8) ~~Tourist homes.~~
- (9) ~~Golf courses.~~
- (10) Swimming or tennis clubs, private ~~and commercial.~~
- (11) Farming, with livestock.
- (12) Farming and forestry, without livestock.
- (13) ~~Sawmills.~~
- (14) ~~Portable sawmills.~~
- (15) ~~Barber and beauty shops.~~
- (16) ~~Funeral homes.~~
- (17) ~~Printing offices.~~
- (18) ~~Restaurants.~~

- (19) ~~Service stations.~~
- (20) Animal hospitals or veterinary clinics with or without runways or outside pens.
- (21) ~~Clinics.~~
- (22) Home Child-care centers.
- (23) Home occupations.
- (24) Home professional offices.
- (25) ~~Gift and specialty shops.~~
- (26) ~~Retail food stores.~~
- (27) ~~Bakeries.~~
- (28) ~~General stores.~~
- (29) ~~Home appliances, sales and service.~~
- (30) ~~Auto sales and service.~~
- (31) ~~Lumber and building supplies.~~
- (32) ~~Plumbing and electrical supply.~~
- (33) ~~Machinery sales and service (including farm machinery).~~
- (34) ~~Feed and seed stores.~~
- (35) ~~Cabinet, furniture and upholstery shops.~~
- (36) ~~Wholesale businesses and storage warehouses.~~
- (37) ~~Country general stores.~~
- (38) ~~Antiques shops.~~
- (39) ~~Boat sales and rentals.~~
- (40) ~~Banks or trust companies.~~
- (41) ~~Flower shops.~~
- (42) ~~Mobile home sales yards.~~
- (43) Commercial nurseries and greenhouses.
- (44) ~~Service and repair shops.~~
- (45) ~~Roadside stands.~~
- (46) ~~Accessory structures.~~
- (47) ~~Seafood processing.~~
- (48) ~~Food processing and canning.~~
- (49) ~~Assembly of electrical appliances, electronics, etc.~~
- (50) ~~Auto reconditioning, truck repairing, retreading.~~
- (51) Blacksmith shop, welding or machine shop.

- (52) ~~Contractors' equipment storage yards.~~
- (53) ~~Boat building.~~
- (54) ~~Monumental stone works.~~
- (55) ~~Flour mill, grain milling.~~
- (56) ~~Grain elevators.~~
- (57) ~~Truck and motor freight terminals.~~
- (58) ~~Laboratories, pharmaceutical, medical.~~
- (59) ~~Professional business office.~~
- (60) Individual travel trailer with a skirt.
- (61) Guest house.
- (62) Public water and sewer systems.
- (63) Tent camping.
- (64) ~~Intensive livestock operations.~~
- (65)
- (66) Individual mobile/manufactured homes, with a skirt. **[Added 3-13-2003]**
- (67) Storage of an unoccupied mobile home. Editor's Note: See § 148-124D for storage requirements. **[Added 3-13-2003]**

Private non-commercial pier

Temporary construction offices

Nonaccessory tents (Maximum 2-day event)

Churches and places of worship, with or without cemeteries

Parks and playgrounds

Boathouses. Construction of a boathouse is permitted if the boathouse is open-sided, does not exceed 18 feet in width, 36 feet in length and 20 feet in height and the adjoining or nearby property owners do not object the boathouse.

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-~~137223~~:

- (1) Cargo container storage (Approved Jan 12, 2006) Condominiums.
- (2) ~~Cluster home developments.~~
- (3) ~~Two private, noncommercial piers on the same parcel.~~
- (4) Commercial feed lots.
- (5) Livestock markets.
- (6) ~~Assembly halls.~~
- (7) ~~Light industry.~~
- (8) Sand and gravel pits.
- (9) ~~Manufacturing, compounding, processing and assembly of merchandise.~~

- ~~(9) Manufacturing, compounding, processing and assembly of merchandise.~~
- ~~(10) Manufacturing of ceramics, toys and novelties.~~
- ~~(11) Asphalt or concrete batching plants.~~
- ~~(12) Commercial or community piers.~~
- ~~(13) Concrete works with a conditional use permit.~~
- (14) Guardhouse/security building.
- (15) Wood chipping/grinding facility. **[Added 11-14-2002]**
- (16) ~~Two-family dwellings. **[Added 12-11-2003]**~~
- (17) ~~Multiple family dwellings/apartment houses. **[Added 12-11-2003]**~~
  - Portable sawmills
  - Contractor's equipment storage yards
  - Flour mill, grain milling
  - Grain elevators
  - Commercial dog kennels
  - Boat storage facility, marina/boatyard, commercial or private noncommercial or club-type
  - Intensive livestock operations.

#### § 148-19. Area regulations.

For lots containing or intended to contain permitted uses, the minimum lot area shall be ~~3/4 of an acre~~80,000 square feet. Minimum lot areas less than 80,000 square feet may be permitted under a conditional use permit issued by the governing body. Public water and sewer systems shall be exempt from area regulations.

#### § 148-20. Setback.

Structures shall be located ~~35-50~~ feet or more from any street right-of-way which is 50 feet or greater in width or ~~60-75~~ feet or more from the center line of any street right-of-way less than 50 feet in width. This line shall be known as the "setback line."

#### § 148-21. Frontage.

The minimum frontage for permitted uses shall be ~~125-150~~ feet at the setback line.

#### § 148-22. Yards.

- A. Side. The minimum side yard for the main structure and/or guest house shall be ~~40-25~~ feet, and the total width of the two required side yards shall be at least ~~20-50~~ feet. The minimum side yard for each accessory structure shall be ~~four-eight~~ feet.
- B. Rear. The minimum rear yard for the main structure and/or guest house shall be ~~25-50~~ feet. The minimum rear yard for each accessory structure shall be ~~eight-fifteen~~ feet.

**§ 148-23. Height regulations.**

- A. ~~For farms,~~ Buildings may be erected up to a height of 35 feet. For buildings over 35 feet, an approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
- B. The height limit for buildings may be increased 10 feet, provided that there are two side yards for each permitted use, each of which is 10 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet. **[Amended 4-8-2004]**
- C. A public or semipublic building, such as a school, church, library or hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- D. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- E. No accessory building which is within 10 feet of any party lot line shall be more than one story high.

**§ 148-24. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-25. Signs.**

Sign regulations shall conform to Article ~~XIV~~XVII of this chapter.

**§ 148-26. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-~~114~~192.

**~~§ 148-27. Additional regulations for light industry.~~**

- ~~A. Before a conditional use permit shall be issued for a light industrial use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the governing body for study. These plans may be referred to the Commission for recommendation. Modifications of the plans may be required.~~
- ~~B. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical considerations necessary for proper operation may be exempt from this provision. This exemption does not include storing of any materials.~~

- ~~G. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet and to within 50 feet from the corner of any intersecting streets.~~
- ~~D. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry and its employees and clients.~~
- ~~E. Buildings may be erected up to a height of 35 feet. For buildings over 35 feet in height, approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communications towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.~~
- ~~F. Buildings or groups of buildings with their accessory buildings may cover up to 60% of the area of the lot, not to conflict with other provisions of this chapter.~~

#### **§ 148-28. Special provisions for corner lots.**

- A. The side yard on the side facing the side street shall be 35-50 feet or more for both main and accessory buildings.
- B. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of 400-150 feet or more.

#### **§ 148-29. Exemption from rear yard regulations.**

The following businesses, which would suffer a hardship from adhering to the rear yard area regulations, shall be exempt from this restriction upon approval of the Health Department:

- A. Marina/boatyard, commercial.
- B. Marina, private noncommercial or club-type.
- C. Seafood processing.
- D. Piers, commercial.
- E. Grain elevators.
- F. Private noncommercial piers. **[Added 8-13-1998]**
- G. Piers, community. **[Added 8-13-1998]**

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**ARTICLE IV Residential General District R-1****§ 148-30. Purpose.**

This district is composed of certain low to medium concentrations of residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with some children and to permit certain commercial uses of a character unlikely to develop general commercial or industrial uses. This residential district is not completely residential, as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses.

For new residential subdivisions larger than 35 acres, the requirements of Article VIII Planned Unit Development, R-5 shall apply.

**§ 148-31. Use regulations. [Amended 4-9-1987; 4-14-1988; 6-14-1990; 8-9-1991; 8-13-1998]**

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) (Reserved) Editor's Note: Former Subsection A(2), regarding two-family dwellings, was repealed 12-11-2003. See now Subsection B(2827).
- (3) Tourist homes.
- (4) Rest homes.
- (5) Family Cemeteries.
- (6) Swimming pools or tennis courts, private.
- (7) Parks and playgrounds.
- (8) Farming and forestry without livestock.
- (9) ~~Animal hospitals or veterinary clinics (without runways or outside pens).~~
- (10) Home occupations.
- (11) Professional business offices.
- (12) Home professional offices.
- (13) Roadside stands.
- (14) Accessory structures.
- (15) Individual travel trailer with a skirt.
- (16) Guest house.
- (17) Tent camping.
- (18) Public water and sewer systems.
- (19) Individual mobile/manufactured homes, with a skirt. **[Added 3-13-2003]**

- (20) Storage of an unoccupied mobile home. Editor's Note: See § 148-124D for storage requirements.  
**[Added 3-13-2003]**

Temporary construction offices

Nonaccessory tents (maximum 2 day event)

Churches and places of worship, with or without cemeteries

Parks and playgrounds

Home child care centers

- B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-~~137~~223:

- (1) Multiple family dwellings.
- (2) Cluster home developments.
- (3) Two private, noncommercial piers on the same parcel.
- (4) Swimming or tennis clubs, commercial.
- (5) Assembly halls.
- (6) Farming with livestock.
- (7) Commercial greenhouses and nurseries.
- (8) Barber and beauty shops.
- (9) ~~Funeral homes.~~
- (10) ~~Printing offices.~~
- (11) ~~Restaurants.~~
- (12) ~~Banks or trust companies.~~
- (13) ~~Clinics.~~
- (14) Child-care centers.
- (15) Gift and specialty shops.
- (16) Bakeries.
- (17) ~~General stores.~~
- (18) ~~Drug and sundry stores.~~
- (19) ~~Office buildings.~~
- (20) ~~Country general stores.~~
- (21) Flower shops.
- (22) ~~Service and repair shops.~~
- (23) ~~Portable sawmills.~~
- (24) ~~Sand and gravel pits.~~
- (25) Guardhouse/security building.
- (26) ~~Commercial or community piers.~~

- (26) ~~Commercial or community piers.~~
- (27) Two-family dwellings. **[Added 12-11-2003]**  
Rooming and boarding houses

**§ 148-32. Area regulations. [Amended 3-9-1989]**

For lots containing or intended to contain permitted uses, the minimum lot area shall be 1/3 acre where public water and sewerage is provided; 1/2 of an acre where either public water or sewerage is provided; and 3/4 acre where individual well and septic is used. Public water and sewer systems shall be exempt from area regulations.

**§ 148-33. Setback.**

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center line of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

**§ 148-34. Frontage.**

The minimum frontage for permitted uses shall be 125 feet at the setback line.

**§ 148-35. Yards.**

- A. Side. The minimum side yard for the main structure and/or guest house shall be 10 feet, and the total width of the two required side yards shall be at least 20 feet. The minimum side yard for each accessory structure shall be four feet.
- B. Rear. The minimum rear yard for the main structure and/or guest house shall be 25 feet. The minimum rear yard for each accessory structure shall be eight feet.

**§ 148-36. Height regulations.**

~~For farms~~B, buildings may be erected up to a height of 35 feet. For buildings over 35 feet, an approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height from grade, except that:

- A. The height limit for buildings may be increased 10 feet, provided that there are two side yards for each permitted use, each of which is 10 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet. **[Amended 4-8-2004]**
- B. A public or semipublic building, such as a school, church, library or hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- C. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- D. ~~No accessory building which is within 10 feet of any party lot line shall be more than one story~~

high.

**§ 148-37. Special provisions for corner lots.**

- A. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings.
- B. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of ~~400~~125 feet or more.

**§ 148-38. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-39. Signs.**

Sign regulations shall conform to Article ~~XIV~~XVII of this chapter.

**§ 148-40. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-~~444~~192.

**§ 148-41. ~~Not used Exemption from rear yard regulations.~~**

~~The following businesses, which would suffer a hardship from adhering to the rear yard area regulations, shall be exempt from this restriction upon approval of the Health Department:~~

- ~~A. Private piers and boathouses. [Amended 8-13-1998]~~

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**ARTICLE V Residential Waterfront District R-2****§ 148-42. Purpose.**

The purpose of this district is to protect the water and shorelines of the County by providing for safe and orderly shoreline development. In this district, residential, recreational and conservancy uses are permitted and a limited number of commercial uses that would be compatible with the area.

**§ 148-43. Use regulations. [Amended 4-9-1987; 4-14-1988; 6-14-1990; 8-9-1991; 8-13-1998]**

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) (Reserved) Editor's Note: Former Subsection A(2), regarding two-family dwellings, was repealed 12-11-2003. See now Subsection B(2019).
- (3) Preserves and conservation areas.
- (4) ~~Golf courses.~~
- (5) Swimming pools or tennis courts, private.
- (6) Farming and forestry without livestock.
- (7) ~~Barber and beauty shops.~~
- (8) ~~Restaurants.~~
- (9) Home occupations.
- (10) ~~Gift and specialty shops.~~
- (11) ~~Country general stores.~~
- (12) ~~Boat sales or rentals.~~
- (13) ~~Flower shops.~~
- (14) Home professional offices.
- (15) Roadside stands.
- (16) Accessory structures.
- (17) ~~Seafood processing.~~
- (18) ~~Grain elevators.~~
- (19) ~~Boat building.~~
- (20) ~~Private storage buildings.~~
- (21) Individual travel trailers with a skirt.
- (22) Community piers.
- (23) Guest house.
- (24) Tent camping.

- (25) Public water and sewer systems.
- (26) Boathouses. Construction of a boathouse is permitted if the boathouse is open-sided, does not exceed 18 feet in width, 36 feet in length and 20 feet in height and the adjoining or nearby property owners do not object the boathouse. ~~Boathouses, meeting the criteria that they be open-sided, do not exceed 480 square feet, do not exceed 20 feet in height and the adjoining or nearby property owners do not object to the boathouse. [Added 9-10-1998]~~
- (27) Individual mobile/manufactured homes, with a skirt. **[Added 3-13-2003]**
- (28) Storage of an unoccupied mobile home. Editor's Note: See § 148-124D for storage requirements. **[Added 3-13-2003]**
- 29 Private noncommercial pier
- 30 Temporary construction offices
- 31 Nonaccessory tents (maximum 2 day event)
- 32 Churches and places of worship, with or without cemeteries
- 33 Parks and playgrounds
- 34 Home child care centers

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-~~137223~~:

- (1) Multiple family dwellings (Parcels less than 10 acres)-
- (2) Condominiums. (Parcels less than 10 acres)
- (3) Cluster home developments. (Parcels less than 10 acres)
- (4) Rest homes.
- (5) Tourist homes.
- (6) Two private, noncommercial piers on the same parcel.
- (7) Swimming or tennis clubs, commercial.
- (8) Farming, with livestock.
- (9) Commercial nurseries and greenhouses.
- (10) ~~Animal hospitals or veterinary clinics without runways or outside pens.~~
- (11) ~~Clinics.~~
- (12) Child-care centers.
- (13) ~~Service and repair shops.~~
- (14) Portable sawmills.
- (15) ~~Food processing and canning.~~
- (16) ~~Sand and gravel pits.~~
- (17) Commercial piers and docks.
- (18) Guardhouse/security building.

- (18) Guardhouse/security building.
- (19) Two-family dwellings. **[Added 12-11-2003]**
- (20) Barber and beauty shops
- (21) Golf courses
- (22) Rooming and boarding houses

#### **§ 148-44. Area regulations.**

For lots containing or intended to contain permitted uses, the minimum lot area shall be 3/4 of an acre for single family dwellings. Public water and sewer systems shall be exempt from area regulations.

When conditionally permitted, multifamily dwellings, condominiums and cluster home developments shall average no greater than 2 dwelling units per gross land area.

Common property, if any, shall be identified and maintained in accordance with § 148-94 Home Owners Associations.

See the requirements in Article VII Multi-family Dwellings R-4 for parcels greater than 10 acres.

#### **§ 148-45. Setback.**

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center line of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

#### **§ 148-46. Frontage.**

The minimum frontage for permitted uses shall be 125 feet at the setback line. If common property exists, the minimum frontage for common property shall be 125 feet at the setback line.

#### **§ 148-47. Yards and Buffers.**

- A. Side. The minimum side yard for the main structure and/or guest house shall be 10 feet, and the total width of the two required side yards shall be at least 20 feet. The minimum side yard for each accessory structure shall be four feet.
- B. Rear. The minimum rear yard for the main structure and/or guest house shall be 25 feet. The minimum rear yard for each accessory structure shall be eight feet.
- C Buffers. For conditional uses vegetative buffers are required to provide screening.
  - a. A planted buffer area at least 25 feet in width shall be established between external roads and conditional use items.
  - b. Planted buffers between conditional use items and adjacent lots are encouraged to enhance privacy and a rural appearance between lots.
  - c. Buffers consisting of an informal arrangement of native plant species combined with

infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.

**§ 148-48. Height regulations.**

~~For farms, B-~~ buildings may be erected up to a height of 35 feet. For buildings over 35 feet, an approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height from grade, except that:

- A. The height limit for buildings may be increased 10 feet, provided that there are two side yards for each permitted use, each of which is 10 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet. **[Amended 4-8-2004]**
- B. A public or semipublic building, such as a school, church, library or hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- C. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- D. No accessory building which is within 10 feet of any party lot line shall be more than one story high.

**§ 148-49. Special provisions for corner lots.**

- A. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings.
- B. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of ~~400-125~~ feet or more.

**§ 148-50. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-51. Signs.**

Sign regulations shall conform to Article ~~XIV~~XVII of this chapter.

**§ 148-52. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-~~114~~192.

**§ 148-53. Exemption from rear yard regulations.**

The following businesses, which would suffer a hardship from adhering to the rear yard area regulations, shall be exempt from this restriction upon approval of the Health Department:

- A. Marina/boatyards, commercial.
- B. Marinas, private noncommercial or club-type.
- ~~C. Seafood processing.~~
- D. Piers, commercial.
- ~~E. Grain elevators.~~
- F. Private noncommercial piers. **[Added 8-13-1998]**

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**ARTICLE VI Residential Restricted District R-3****§ 148-54. Purpose.**

The purpose of this district is to allow for medium-high density residential development on nonconforming lots of record, provided that said lots were recorded prior to September 1, 1974, and lot sizes are generally shared by other property owners in the same vicinity.

**§ 148-55. Use regulations. [Amended 6-14-1990; 8-9-1991; 9-12-1996; 8-13-1998]**

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Home occupations.
- (3) Parks and playgrounds.
- (4) ~~Seawalls and~~ private noncommercial piers.
- (5) Accessory structures.
- (6) Swimming pools or tennis courts, private.
- (7) Individual travel trailers with a skirt.
- (8) Guest house.
- (9) Tent camping.
- (10) Public water and sewer systems.
- (11) Individual mobile/manufactured homes, with a skirt. **[Added 3-13-2003]**
- (12) Storage of an unoccupied mobile home. Editor's Note: See § 148-124D for storage requirements. **[Added 3-13-2003]**
- (13) Temporary construction offices
- (14) Nonaccessory tents, (maximum 2 day event)
- (15) Boathouses, meeting the criteria that they be open-sided, do not exceed 18 feet in width, 36 feet in length, and 20 feet in height and the adjoining or nearby property owners do not object to the boathouse.
- (16) Parks and playgrounds
- (17) Home child care centers

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-~~137~~223:

- (1) Guardhouse/security building.
- (2) ~~Private storage buildings.~~

**§ 148-56. Area regulations.**

None, except for permitted uses utilizing individual sewerage disposal systems, the required area for any such use shall be approved by the Health Official. Public water and sewer systems shall be exempt from area regulations.

**§ 148-57. Setback. [Amended 2-9-1995]**

Structures shall be located at least 25 feet or more from the center line of any street right-of-way when the right-of-way width is 30 feet or less or 40 feet or more from the center line of any street right-of-way when the right-of-way is greater than 30 feet in width.

**§ 148-58. Yards.**

- A. Side. The minimum side yard for the main structure and/or guest house shall be five feet, and the total width of the two required side yards shall be at least 10 feet. The minimum side yard for each accessory structure shall be four feet.
- B. Rear. The minimum rear yard for the main structure and/or guest house shall be 15 feet. The minimum rear yard for each accessory structure shall be eight feet.

**§ 148-59. Height regulations.**

Buildings may be erected up to a height of 35 feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation.

**§ 148-60. Special provisions for corner lots.**

The side yard on the side facing the side street shall be 25 feet or more from the center of the road for both the main and accessory buildings.

**§ 148-61. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-62. Signs.**

Sign regulations shall conform to Article ~~X#XVII~~ of this chapter.

**§ 148-63. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-~~144~~192.

**ARTICLE VII Multi-family Dwelling District R-4****§ 148-64. Purpose.**

The purpose of this district is to provide for safe and orderly development of multi-family dwellings on larger parcels; to protect the water and shorelines of the County; and to manage the density of other areas in order to maintain the rural character of the County. In this district, multi-family residential, residential and recreational and conservancy uses are permitted and a limited number of commercial uses that would be compatible with the area.

**§ 148-65. Use regulations.**

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Accessory structures.
- (2) Barber and beauty shops
- (3) Community piers
- (4) Churches and places of worship, with or without cemeteries
- (5) Farming and forestry without livestock.
- (6) Guest house.
- (7) Home child care centers
- (8) Home occupations
- (9) Home professional offices.
- (10) Multi-family dwellings
- (11) Nonaccessory tents (maximum 2 day event)
- (12) Parks and playgrounds
- (13) Preserves and conservation areas.
- (14) Private noncommercial pier
- (15) Public water and sewer systems.
- (16) Roadside stands.
- (17) Single-family dwellings.
- (18) Swimming pools or tennis courts, private.
- (19) Temporary construction offices
- (20) Tent camping.
- (21) Two-family dwellings, duplexes

The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-223:

- B (1) Child-care centers
- (2) Commercial nurseries and greenhouses.
- (3) Commercial piers and docks.
- (4) Golf courses
- (5) Guardhouse/security building.
- (6) Portable sawmills
- (7) Rest homes.
- (8) Rooming and boarding houses
- (9) Swimming or tennis clubs, commercial.
- (10) Tourist homes.
- (11) Two private, noncommercial piers on the same parcel.

**§ 148-66. Area regulations.**

For parcels containing or intended to contain permitted uses, the minimum parcel size for multi-family construction shall be ten (10) acres. For residential uses of parcels less than 10 acres, see other relevant residential districts.

The minimum lot area per townhouse, garden apartment or multi family dwelling unit shall be 2,500 square feet.

**§ 148-67. Minimum lot width.**

The minimum lot width per dwelling unit shall be 24 feet.

(1) In the case of a lot at the end of a row of dwelling units, the lot width shall be 30 feet.

(2) For corner lots at street intersections, the minimum lot width shall be 40 feet.

**§ 148-68. Minimum yard requirements.**

A. Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center line of any street right-of-way less than 50 feet in width. This line shall be known as the "setback line." Required parking may be located in a front yard, but not closer than 10 feet to the ultimate street right-of-way.

B. The minimum rear yard for the main structure shall be 25 feet for each townhouse dwelling unit.

C. The side yard shall be 10 feet for each end unit; 20 feet for each corner lot at street intersections.

D. The minimum distance between the ends of each row of townhouses shall be 20 feet.

**§ 148-69. Maximum building height.**

Maximum building height shall be 2 1/2 stories but not to exceed 35 feet.

**§ 148-70. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.

B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-71. Signs.**

Sign regulations shall conform to Article XVII of this chapter.

**§ 148-72. Other regulations for multi-family dwelling construction.**

A. Each multi-family building development and/or parking area shall front on a dedicated public street, meeting Virginia Department of Transportation standards.

B. Concrete curb and gutter shall be installed along both sides of all new streets within the development consistent with meeting County stormwater or LID design requirements discussed below. However, should a new street act as a boundary for townhouse developments, curb and gutter need only to be installed on the side of the street adjacent to the development.

C. Sidewalks of at least four feet in width, constructed of concrete, asphalt or brick or rigid

pervious materials shall be installed along all public roads and shall be installed from parking areas to all multi-family building structures served by such parking areas.

D. The radius of culs-de-sac shall be at least 50 feet. No more than 24 dwelling units shall be located on any cul-de-sac.

E. Sidewalks and bikeways shall be installed in all developments. The bikeways shall be designed to connect to adjacent property bikeways and culs-de-sac where possible.

F. Accessory buildings are not permitted for individual dwelling units, (except for garages as described below), except that on any lot there may be an enclosed storage shed not exceeding seven feet in height, and not exceeding ten by ten (10 x 10) feet in area, subject to the restrictions of the homeowner’s association.

H. Density and open space requirements for the multi-family development and the size of the multifamily structure for the R-4 Zoning District shall be as presented in the table below.

<u>R-4 Minimum-Acreage</u>	<u>Max Impervious Surface*</u>	<u>Net Open Space</u>	<u>DU/Building</u>	<u>DU/Acre</u>
<u>10-20 acres</u>	<u>35 %</u>	<u>50 %</u>	<u>8</u>	<u>3 units/acre</u>
<u>21-50 acres</u>	<u>35 %</u>	<u>50 %</u>	<u>8</u>	<u>2 units/acre</u>
<u>51 acres and greater</u>	<u>35 %</u>	<u>50 %</u>	<u>8</u>	<u>1.33 units/acre</u>

\* LID Integrated Management Practices are required to be incorporated into the site design to maintain the pre-development hydrology in addition to meeting all the requirements of Chapter 54 Chesapeake Bay Preservation Area regarding stormwater management.

I. Management of open space.

(1) All open space shall be preserved for its intended purpose as expressed on the site plan.  
(2) Multi-family Residential unit developments must be subject to the submission and approval of a legal instrument or instruments encompassing bylaws and restrictive covenants setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, LID facilities, private streets, improvements and other common facilities. This organization is hereafter referred-to as the Homeowners Association, HOA. No such instrument shall be acceptable unless and until approved by the County attorney as to legal form and effect, and the Commission or Zoning Administrator as to suitability for the proposed use of the common land.

(3) All common property shall be deeded to a HOA. The developer shall file a declaration of covenants and restrictions that will govern the HOA with the application for tentative plat approval.

(4) The Home Owners Association, including covenants and restrictions, articles of incorporation, and bylaws, must be set up and legally constituted prior to the sale of any lot, dwelling unit or other structure located within the development.

(5) All covenants and restrictions must be permanent, run with the land and must encompass the following provisions:

- (a) Membership in the organization shall be mandatory for all residential property owners, present or future, within the development.
- b. The HOA must be responsible for liability insurance, local property taxes, and the maintenance of all streets, land, appurtenances and other commonly owned facilities.

c. Homeowners must pay their pro rata share of the cost of the above through an assessment levied by the HOA which must become a lien on each homeowner's property.

d. The HOA must be able to adjust assessments or levy special assessments to meet changing needs.

e. The HOA must be organized as a nonprofit corporation.

f. Lots or dwelling units assessed by the HOA shall only be those indicated on the final plat approved by the Commission or the Zoning Administrator.

g. Provisions must be made by a date certain or when 50% of the properties are sold by the developer, whichever is earlier, to turn over full control of the common properties to the HOA.

(6) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space and common areas and appurtenances.

J. Parking facilities.

(1). There shall be provided, either in a private garage or on the lot or in a joint facility or as an integral part of the multi-family building, space for the parking of two (2) automobiles for each dwelling unit in a new building or each dwelling unit added in the case of the enlargement of an existing building. Any joint parking facility shall include such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.

Sufficient parking spaces shall also be provided for visitors so as to preclude the necessity for parking on public roads.

(2) All access drives shall be at least 15 feet from any building on the lot and from exterior lot lines.

(3) Entranceways and exitways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site but shall at no time exceed 30 feet in width at the street line.

(4) All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

K. Open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with approved plans.

L. Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts. A plan specifying type, size and location of existing and proposed material shall be submitted with the application for the permit. Natural screening is preferred.

M. Drainage. A storm runoff and drainage system shall be installed by the developer so as to adequately dispose of all runoff and drainage so as not to permit excess flow of water across streets

or adjoining properties. Where stormwater flows into streams, Low Impact Design principles shall be followed where applicable and The Site Design Checklist and LID Calculations Worksheet shall be used to determine the requirements for LID Integrated Management Practices. Plans for such groundwater control systems shall be submitted with the application for the permit.

N. Lighting. Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause annoyance to building occupants or surrounding property owners or residents and as required by § 148-194. Lighting

O. Exterior storage areas for trash and rubbish shall be well screened on three sides and contain vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be maintained in an orderly and sanitary fashion.

P. All utilities serving the dwelling units, including sanitary sewer, water, electrical transmission lines and telephone lines, shall be either centralized or public in nature and shall be placed underground

### **§ 148-73. Architectural design.**

The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of the surrounding area, with natural land forms and existing vegetation and with other development plans approved by the County. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the area's character. The facades of dwelling units in a townhouse structure shall be varied in materials and design so that not more than four abutting units will have the same front yard depth or the same architectural treatment of facades and roof lines. Smaller structures such as duplexes should be designed so as to mimic single family dwellings.

### **§ 148-74. Review and approval requirements.**

A. **Applicant.** The applicant for residential multi-family development zoning shall be the owner of the site, or if more than one, all owners of the site acting jointly. For the purposes of this provision, "owner" shall mean and include any public body corporate, or a holder of a written option to purchase.

B. **Preliminary consultation.** The Applicant should consult with the Zoning Administrator and provide such information as requested and as required by the subdivision ordinance of Northumberland County. A preliminary schematic site plan shall be submitted to the Zoning Administrator for a review as to the compliance with the requirements of this section. This procedure is designed to encourage an applicant to submit informal plans for comment before the expense of final plans is incurred to facilitate the application process and assist the Applicant in meeting the requirements of this ordinance. The schematic plan should be drawn to scale showing the existing physical features of the proposed development. This consultation should take place prior to formally filing a site plan and application

C. **Application for multi-family development zoning.** An application for residential multi-family development zoning shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator and provided for that purpose. The application shall consist of a site plan containing the following:

1. The site plan should, as a minimum, contain:

A. Title of the project.

- B. Name and address of owners.
- C. Location of the site by an insert map at a scale of no less than one inch equals 2,000 feet.
- D. Indication of the scale north arrow, zoning and such information as the names and numbers of adjacent roads, streams and bodies of water or other landmarks sufficient to clearly identify the location of the property.
- E. Boundary survey of the site of a plan drawn to scale.
- F. Location and dimensions of existing structures, all existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities, watercourses and their names and owners.
- G. Location of all entrances to the site.
- H. Proposed sewage disposal system.
- I. Stormwater management plan including LID analyses and location of drainage facilities.
- J. Water supply and distribution plan.
- K. Fire protection plan.
- L. Provisions for off-street parking, including areas for recreational vehicles, boats, etc.
- M. Location of each building on the site, including any accessory buildings, utility lines, streetlights, etc.
- N. Size of each building height and number of stories.
- O. For a multifamily residential development, the number, size and type of dwelling unit, location, type and percentage of total acreage of recreational facilities.
- P. Location and general design and width of all driveways, curb cuts and sidewalks.
- Q. Location and identification of all other proposed recreational facilities i.e., swimming pools, tennis courts, etc.
- R. Any flood areas, the RPA and buffer zones, if applicable,.
- S. Primary conservation areas such as wetlands, and steep slopes, historic and archeological sites,
- T. Secondary conservation areas such as mature woodlands, greenways and trails, river and stream corridors, prime farmland, hedgerows, large individual free-standing trees or tree groups, and similar areas important to protect the rural nature of the parcel.
- U. Additional information may be requested.

2. Written statement of facts explaining in detail the proposal and justifying the project at this location. Included also will be the proposed provisions for service, maintenance and continued protection of the multi-family development.

The application shall include such other pertinent information as the Zoning Administrator shall prescribe; but to promote efficiency and minimize expense, the Zoning Administrator may provide for the serial submission of portions of the application.

The Zoning Administrator shall forward the application and supporting materials to the Planning Commission for appropriate action.

**ARTICLE VIII Planned Unit Developments District R-5****§ 148-~~144~~75. Purpose.**

For the purpose of assuring public safety, good arrangement and assuring harmony with the area, site plans are required for all planned unit developments as defined within this chapter. Site plans for such uses shall be subject to Planning Commission review with approval by the Board of Supervisors.

The purpose of this district is to provide for safe and orderly development of larger parcels; to protect the agricultural areas, water and shorelines of the County; and to manage the density in order to maintain the rural character of the County. In this district, a mixture of residential, commercial and recreational uses are permitted in a planned development that would be compatible with the area. A residential planned unit development (RPUD) shall be a zoning district applicable to those areas designated as: (a) to large agricultural parcels to be converted entirely or partially to residential use; or (b) other areas as approved conditionally by the Board of Supervisors.

A residential planned unit development (RPUD) shall be a project based upon a unified plan. The project shall occupy a minimum of thirty five (35) gross acres, including all land within the project boundaries plus one-half of all adjacent public rights-of-way, to be constructed by a single owner or group of owners acting jointly, involving a related group of residences and associated or incidental uses. However, all uses aside from residential shall be incidental to or in support of residential uses.

**148-76. Goals of the RPUD District**

Residential planned unit development zoning shall be granted to achieve the following objectives:

- a. Encourage unique and unified design and site planning of entire developments through the use of criteria which, when properly implemented allow for flexibility in design and density bonuses.
- b. To preserve farmland and forests yet provide the agricultural property owner the benefit of increased value of residential property in the County.
- b. To help meet the need for improved housing, commercial, recreational and institutional facilities.
- c. To increase the amenities readily accessible to all the residents of the development.
- d. To facilitate the conservation and preservation of natural resources.
- e. To facilitate the most efficient and economical provision and maintenance of streets and utilities.
- f. To establish sound administration standards and procedures to facilitate achievement of the above objectives

**§ 148-77. Conflicts with other regulations**

Residential planned unit developments shall comply with the provisions of the County subdivision ordinance and this article of the zoning ordinance. However, in case of conflicting provisions between either the subdivision ordinance or other articles of the zoning ordinance, this article shall take precedence.

**§ 148-78. Use regulations.**

- A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:
- (1) Accessory structures.

- (2) Barber and beauty shops
- (3) Community piers
- (4) Churches and places of worship, with or without cemeteries
- (5) Farming and forestry.
- (6) Guest house.
- (7) Home child care centers
- (8) Home occupations
- (9) Home professional offices.
- (10) Multi-family dwellings
- (11) Nonaccessory tents (maximum 2 day event)
- (12) Parks and playgrounds
- (13) Preserves, conservation areas and trails.
- (14) Private noncommercial pier
- (15) Public water and sewer systems.
- (16) Roadside stands.
- (17) Single-family dwellings.
- (18) Swimming pools or tennis courts, private.
- (19) Temporary construction offices
- (20) Tent camping (if permitted by subdivision restrictive covenants).
- (21) Two-family dwellings, duplexes
- (22) Small service businesses

The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-223:

- B
- (1) Child-care centers
  - (2) Commercial nurseries and greenhouses.
  - (3) Commercial piers and docks.
  - (4) Golf courses
  - (5) Guardhouse/security building.
  - (6) Portable sawmills
  - (7) Rest homes.
  - (8) Rooming and boarding houses

- (9) Swimming or tennis clubs, commercial.
- (10) Tourist homes.
- (11) Two private, noncommercial piers on the same parcel.
- (12) Lodges, clubs, country clubs

**§ 148-79. Area regulations.**

1. Contiguity required. A tract of land must be contiguous and lend itself to being improved so as to benefit the entire community with no significant adverse effect upon surrounding properties.

2. Size limitations. No residential planned unit development may encompass less than twenty (20) gross acres of contiguous land. For RPUD's entailing more than one hundred (100) acres a plan for staging the RPUD shall be formulated by the developer subject to the approval of the Planning Commission. Such plans shall be submitted along with the tentative plat for the RPUD.

3. Computation of acres of qualifications.

a. Gross land area (G):  $G = \text{Total area encompassed by tract}$

b. Developable area (D):  $D = G - f - r - s - h$  (Note 1)

c. Gross residential acreage (GR):  $GR = D - C$

d. Net Residential Acreage (NR):  $NR = D - O - C$

e. Open space (O):  $O = (G - r - h) \times 50\%$

f. Commercial land area (C):  $C = 1 \text{ acre to } 120 \text{ dwelling units (maximum)}$

g. Floor Area Ratio (FAR):  $FAR = FA / (NR \text{ or } C)$  (Note 2)

TABLE INSET: Note 1

<u>(Note 1)</u> <u>Where</u>	<u>f</u>	<u>=</u>	<u>Floodplain, RPA, wasteland acreage</u>
-	<u>r</u>	<u>=</u>	<u>Primary road, secondary arterial and major utility rights-of-way (exclusive of individual service) acreage</u>
-	<u>s</u>	<u>=</u>	<u>Areas with slopes in excess of 20 percent</u>
	<u>h</u>	<u>=</u>	<u>Historical or archeological site acreage</u>

Note 2: Where FAR equals the total floor area (FA) of all floors of a building divided by the NR or C, whichever is applicable.

### § 148-80. Design standards for cluster groups

The following standards shall apply to all cluster groups:

1. All dwelling units shall be grouped into cluster groups, each of which shall be surrounded by common open space.
2. A plat may contain one or more cluster groups.
3. Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting roads, and may contain lots, roads, and cluster group open space. When the development does not include individual lots, as in a condominium or some multi-family dwellings, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is less than 100 feet from any unit.
4. The outer boundaries of each cluster group shall meet the separation distance requirements specified in §148-81 A.2.
5. Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by roads if the road right-of-way is designed as a parkway.
6. No cluster group shall contain more than 15 dwelling units.
7. Cluster groups containing 11 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit, and shall meet the following standards:
  - a. Common open space located within cluster groups shall be counted toward meeting the overall open space requirement.
  - b. The open space shall be configured as a cul-de-sac island, an island within a larger loop or an "eyebrow" (a semi-circular loop), an island in a parkway road, or a common green area. Common green areas surrounded by lots on up to three sides shall be designed as a space for common use by all residents within the cluster group.
  - c. The open space shall have a minimum road frontage of 125 feet.
  - d. Internal open space may contain parking areas, but parking areas shall not be included in the required 2,000 square feet of internal open space per dwelling unit.
8. The maximum number of lots in a cluster group may be increased, and cluster groups may be assembled into larger groupings, with the approval of the Planning Commission and provided that the applicant can demonstrate that such an alternative plan is more appropriate for the development parcel and will meet both the general intent and design standards of this Ordinance.
9. All lots in a cluster group shall take access from interior roads.
10. All lots in a cluster group shall abut common open space to the front or rear. Common open space across a road shall qualify for this requirement.
11. In locating cluster groups, disturbance to woodlands and individual mature trees shall be minimized. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single wooded lot or the required construction footprint, whichever lower is cleared for the construction of a dwelling, driveway, garage, storage building, or well.
12. Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:

a. At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than 50 feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this Section.

b. Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.

13. Vegetative buffers are required to provide screening.

a. A planted buffer area at least 25 feet in width shall be established within all required separation areas between external roads and cluster groups.

b. Planted buffers within separation areas between cluster groups are encouraged to enhance privacy and a rural appearance between lots.

c. Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.

**§ 148-81. Allowable residential densities.**

A. Cluster development. Cluster development shall be permitted only upon provision of either central or public sanitary sewer and water systems.

1. Density. The maximum gross residential density (GR) shall not exceed two (2) dwelling units per acre for parcels of 35 – 50 acres and 1.33 units per acre for 51 acres and larger. The maximum net residential density (NR) shall not exceed six (6) dwelling units on any one (1) acre. However, the maximum gross density (GR) may be increased up to a maximum of twenty-five (25) percent, but shall not exceed a total of two and five-tenths (2.5) dwelling units per acre for parcels of 35 – 50 acres or 1.7 dwelling units per acre for parcels above 51 acres within the gross residential acreage (GR), in accordance with Section § 148-95 Paragraph D. *Environmental incentives.*

2. Separation Distances for Cluster Groups. Cluster groups shall be established in accordance with the design standards of § 148-80 and shall meet the following separation distances:

a. The outer boundaries of all cluster groups shall conform to the following separation distances:

(1) From existing primary or secondary road rights-of-way: 100 feet.

(2) From existing scenic highways or rustic roads: 100 feet.

(3) From all perimeter subdivision boundaries: 100 feet.

(4) From cropland or pasture land: 100 feet.

(5) From buildings or barnyards or pasture land housing livestock: 300 feet.

(6) From other cluster groups: 100 feet.

(7) From wetlands, floodplains, or water courses: 100 feet

(8) From active recreation areas, such as courts or playing fields: 100 feet.

b. All separation areas for cluster groups along existing roads shall be landscaped in accordance with Section § 148-80 Paragraph 13 in order to block views of new residential development, preserve scenic views, and to protect rural landscape character.

c. The dimensional standards specified in Subsection 2.a may be reduced under the following circumstances:

(1) The separation distances from existing secondary roads and the

perimeter of the subdivision may be reduced to no less than 50 feet if the applicant can demonstrate that existing vegetation or topography or a combination of these form an effective visual screen.

(2) All other separation distances may be reduced by 50 percent if the applicant can demonstrate to the satisfaction of the Zoning Administrator that such reduced setbacks improve the plan's compliance with the cluster group design standards in Section I, the intent of this Ordinance, and the objectives of the County Comprehensive Plan.

#### B. Conventional lots.

In the event that not all residences are clustered or that central or public sewage is not available, the following applies to conventional lots within the net residential area (NR):

- i. For lots containing or intended to contain a single dwelling unit served by individual sewerage systems, the minimum lot area shall be three-fourth (3/4) acres and the maximum shall be 4 acres.
- ii. For lots containing or intended to contain a single dwelling unit served by public sewerage systems, the minimum lot area shall be three-fourth (3/4) acres and the maximum shall be 4 acres.
- iii. The above maximums may be increased if the applicant can demonstrate to the satisfaction of the Zoning Administrator that topography, wetlands, forests, historic or archeological features or other factors improve the plan compliance with the intent of this Article.

#### C. Farmsteads

For an existing farmstead, the minimum lot area shall be 5 acres or a lot large enough to accommodate all structures within a building envelope created by a 100 foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to 300 feet.

When one of the purposes of the subdivision is to preserve land for agriculture or forestry, the Open Space (as defined in Section § 148-79 Paragraph 3.e) excluding the internal open space as defined in Section § 148-80 shall be established as a single agricultural lot and prevented from further subdivision through appropriate conservation dedication or other procedures. The internal open space shall be deeded-to and managed in accordance with § 148-95 Home Owners Association.

### **§ 148-82. Minimum setback and yard requirements.**

#### A. Residential

1. Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center line of any street right-of-way less than 50 feet in width. This line shall be known as the "setback line." Required parking may be located in a front yard, but not closer than 20 feet to the ultimate street right-of-way in order to provide room for pedestrian sidewalks or biking trails.
2. The minimum rear yard for the main structure shall be 25 feet for each structure.
3. The side yard shall be 10 feet minimum for each residential or commercial unit; 20 feet for each corner lot at street intersections.
4. The minimum distance between the ends of each row of multifamily structures shall be 20 feet.
5. A buffer strip consisting of natural or supplemental woody vegetation at least thirty-five (35) feet in depth shall be provided between any structure or lot within the RPUD, and lot, parcel or tract of land located outside the RPUD.

#### B. Commercial.

i. *Front.* Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center line of any street right-of-way less than 50 feet in width. This line shall be known as the "setback line." Required parking may be located in a front yard, but not closer than 20 feet to the ultimate street right-of-way in order to provide room for pedestrian sidewalks or biking trails. Parking lots shall be shielded by a vegetative buffer. When possible, parking should be located in the rear. The minimum front setback shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building height exceeds twenty-five (25) feet.

ii. *Side.* On corner lots, where the side setback adjoins a street, the side setback shall be determined in the same manner as the front setback. Side yards of at least ten (10) feet for commercial buildings under twenty-five (25) feet shall be provided unless such buildings are attached. For buildings exceeding twenty-five (25) feet in height, the minimum side yard shall be increased by one (1) foot for each four (4) feet or fraction thereof by which the building height exceeds twenty-five (25) feet.

iii. *Rear.* A rear setback of at least twenty-five (25) feet shall be provided.

C. *Commercial setback from residential structures.*

i. *Principal--principal:* Forty-five (45) feet.

ii. *Principal--accessory:* Thirty (30) feet.

iii. *Accessory--accessory:* Twenty (20) feet.

d. *Other uses.* To be established at the time of initial review by the Planning Commission subject to the approval of the Board of Supervisors.

#### **§ 148-83 Bulk regulations and impervious surfaces.**

a. *Impervious surfaces.* Maximum impervious surface shall be 35%. This includes coverage by buildings, structures, sidewalks, street pavement, parking areas and any other impervious surfaces.

b. *Commercial, maximum floor area ratio.* The maximum floor area ratio, FAR, shall not exceed 0.4.

#### **§ 148-84. Land use mix.**

a. *Residential.* No restrictions.

b. *Commercial.* The area devoted to permitted commercial uses may not be in excess of one (1) acre per one hundred twenty (120) dwelling units except if the proposed RPUD is within, overlapping or contiguous to a village or village support area, these limits do not apply.

c. *Common area.* At least forty (40) percent of the gross land area of the RPUD, excluding required yards, parking areas, major streets, historic and archeological sites and one-half the area prone to flooding, RPA, marshland and stream beds, shall be devoted to either: (i) common property or recreational area including active recreational facilities and other public land and buildings; or (ii) a mixture of (i) and agricultural or forestry usage. At least ten (10) percent of such common recreational area shall be devoted to active recreational facilities.

#### **§ 148-85. Streets, sidewalks and bikeways.**

All streets located within the RPUD shall be constructed in conformance with Virginia Department of Transportation subdivision road standards.

Hard surface sidewalks and bikeways of at least 4 feet in width shall be constructed along all roads in the subdivision. The bikeways shall be designed to connect clusters and adjacent property bikeways and culs-de-sac where possible

#### **§ 148-86. Utilities.**

All utilities serving the RPUD, including sanitary sewer, water, electrical transmission lines and telephone lines, shall be either centralized or public in nature and shall be placed underground. The costs related to the provisions of maintenance of such utilities shall either be borne by the developer or the residents of the RPUD. Public or centralized sanitary sewer and water systems shall be constructed in accordance with the VA Department of Health requirements.

**§ 148-87. Off-street parking and loading.**

1. Residential: Two (2) parking spaces per dwelling unit.
2. Other: In accordance with the provisions of §148-192

**§ 148-88. Maximum building height.**

Maximum building height shall be 2 1/2 stories but not to exceed 35 feet.

**§ 148-89. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-90. Stormwater management.** The design and development of the cluster development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained /protected to the maximum extent practicable. Low Impact Development, LID, Integrated Management Practices are required to be incorporated into the site design to maintain the pre-development hydrology and to meet an equivalent 10% impervious material level in addition to meeting all the requirements of Chapter 54 Chesapeake Bay Preservation Area regarding stormwater management . New development and redevelopment shall meet Low Impact Development criteria which are summarized as follows::

1. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed;
2. Post development peak discharge rates should not exceed pre-development peak rates;
3. Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids;
4. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable;
5. All treatment systems and LID IMPs must have operation and maintenance plans to ensure that systems function as designed.

A storm runoff and drainage system shall be installed by the developer so as to adequately dispose of all runoff and drainage so as not to permit excess flow of water across streets or adjoining properties. Where stormwater flows into streams, Low Impact Design principles shall be followed and The Site Design Checklist and LID Calculations Worksheet shall be used to

determine the requirements for LID Integrated Management Practices. Plans for such groundwater control systems, if required, shall be submitted with the application for the permit.

### **§ 148-91. Signs.**

Signs shall conform to Article XVII of this chapter.

### **§ 148-92. Architectural design.**

The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of the surrounding area, with natural land forms and existing vegetation and with other development plans approved by the County. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the area's character. The facades of multi-family structures shall be varied in materials and design so that not more than four abutting units will have the same front yard depth or the same architectural treatment of facades and roof lines. Smaller structures such as duplexes should be designed so as to mimic single family dwellings.

### **§ 148-93. Screening and landscaping.**

- a. Where a commercial site adjoins a residential site, a solid wall or fence, vine-covered fence, or compact evergreen fence not less than six (6) feet in height shall be located all along the adjoining property line. This provision shall not apply to the site of a dwelling adjoining another dwelling or a residential site.
- b. In a commercial site, a use not conducted entirely within a completely enclosed structure shall be screened by a solid wall or fence, vine-covered fence, or compact evergreen hedge not less than six (6) feet in height (with solid gates where necessary) and not located within a required front yard.

### **§ 148-94. Home owners association (HOA).**

A Homeowners Association (HOA) shall be established as follows:

1. Developments containing common property must be subject to the submission and approval of a legal instrument or instruments encompassing bylaws and restrictive covenants setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, private streets and other common facilities. No such instrument shall be acceptable unless and until approved by the County attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common land.
2. All common property shall be deeded to a HOA. The exception is when part of the common property is established as an agriculture lot and therefore dedicated to that purpose or a conservation purpose and precluded from further subdivision; see paragraph below. The developer shall file a declaration of covenants and restrictions that will govern the HOA with the application for tentative plat approval.
3. The Home Owners Association, including covenants and restrictions, articles of incorporation, and draft bylaws, must be set up and legally constituted prior to the sale of any lot, dwelling unit or other structure located within the RPUD.
4. All covenants and restrictions must be permanent, run with the land and must encompass the following provisions:

- a. The HOA must be responsible for liability insurance, local property taxes, and the maintenance of all streets, land, appurtenances and other commonly owned facilities.
- b. Homeowners must pay their pro rata share of the cost of the above through an assessment levied by the HOA which must become a lien on each homeowner's property.
- c. The HOA must be able to adjust assessments or levy special assessments to meet changing needs.
- d. The HOA must be organized as a nonprofit corporation.
- e. Lots or dwelling units assessed by the HOA shall only be those indicated on the final plat approved by the Commission or the Zoning Administrator.
- f. Provisions must be made by a date certain or when 50% of the properties are sold by the developer, whichever is earlier, to turn over full control of the common properties to the HOA.

When part of the common area is to remain dedicated to agriculture or forestry purposes, a separate lot will be established for that purpose. Ownership of this lot may be through any one of several legal mechanisms acceptable to the County, including retaining ownership by the original land owner provided that the County and residents of the development hold conservation easements on the land protecting it against further development.

#### **§ 148-95. Administration.**

**A. Applicant.** The applicant for RPUD zoning shall be the owner of the site, or if more than one, all owners of the site acting jointly. For the purposes of this provision, "owner" shall mean and include any public body corporate, or a holder of a written option to purchase.

**B. Preliminary consultation.** The Applicant should consult with the Zoning Administrator and provide such information as requested and as required by the subdivision ordinance of Northumberland County. In addition the following is recommended.

1. Inventory and Site Analysis. To aid the County in determining whether the applicant has accomplished the intent and objectives as described in § 148-75 and § 148-76, and the design standards for cluster groups and common open space as described in § 148-80 the initial application for any development shall include an inventory and site analysis of the parcel. The Zoning Administrator shall provide instructions on the preparation of such and analysis.

2. Preliminary Schematic. A preliminary schematic site plan shall be submitted to the Zoning Administrator for a review as to the compliance with the requirements of this section. This procedure is designed to encourage an applicant to submit informal plans for comment before the expense of final plans is incurred to facilitate the application process and assist the Applicant in meeting the requirements of this ordinance. The schematic plan should be drawn to scale showing the existing physical features of the proposed development.

This consultation should take place prior to formally filing a site plan and application

**C. Site Plan and Application for RPUD zoning.** An application for residential planned unit development zoning shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator and provided for that purpose. The application shall consist of a site plan containing the following:

1. The site plan should, as a minimum, contain:

A. Title of the project.

- B. Name and address of owners.
- C. Location of the site by an insert map at a scale of no less than one inch equals 2,000 feet.
- D. Indication of the scale north arrow, zoning and such information as the names and numbers of adjacent roads, streams and bodies of water or other landmarks sufficient to clearly identify the location of the property.
- E. Boundary survey of the site of a plan drawn to scale.
- F. Location and dimensions of existing structures, all existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities, watercourses and their names and owners.
- G. Location of all entrances to the site.
- H. Proposed sewage disposal system.
- I. Stormwater management plan including LID analyses and location of drainage and LID facilities.
- J. Water supply and distribution plan.
- K. Fire protection plan.
- L. Provisions for off-street parking, including areas for recreational vehicles, boats, etc.
- M. Location of each building on the site, including any accessory buildings, utility lines, streetlights, etc.
- N. Size of each building, height and number of stories.
- O. For multifamily residential units, the number, size and type of dwelling unit, location, type and percentage of allocation of common property or open space.
- P. Location and general design and width of all driveways, curb cuts and sidewalks.
- Q. Location and identification of all other proposed recreational facilities i.e., swimming pools, tennis courts, etc.
- R. Any flood areas, the RPA and buffer zones, if applicable,.
- S. Primary conservation areas such as wetlands, and steep slopes, historic and archeological sites,
- T. Secondary conservation areas such as mature woodlands, greenways and trails, river and stream corridors, prime farmland, hedgerows, large individual free-standing trees or tree groups, and similar areas important to protect the rural nature of the parcel.
- U. Additional information may be requested.

2. The Inventory and Site Analysis described in Section B.1 above.

3. Written statement of facts explaining in detail the proposal and justifying the project at this location. Included also will be the proposed provisions for service, maintenance and continued protection of the common property.

4 Additional detailed plans of site improvement and proposed documents to provide security for the installation and open spaces may be requested from time to time to facilitate the review of the proposed RPUD. The Planning Commission or the Zoning Administrator may recommend reasonable conditions regarding the layout, circulation and performance of the proposed development. The

Planning Commission may approve variation in the zoning and subdivision standards in RPUDs which may permit private streets for unique developments that may utilize condominium development techniques, cluster housing concepts and other imaginative and unique development methods when consistent with the purpose of this section.

The application shall include such other pertinent information as the Zoning Administrator shall prescribe; but to promote efficiency and minimize expense, the Zoning Administrator may provide for the serial submission of portions of the application.

**D. Environmental incentives.** The Zoning Administrator may recommend an increase in the total number of permitted dwelling units up to twenty-five (25) percent as indicated below; provided, however, that the land areas provided for each below-mentioned facility are over and above that required. The percentages for each item may be applied cumulatively and may not exceed more than twenty-five (25) percent.

**a. Open space.**

i. 2 percent: For each 2 acres of common space dedicated to parkland, over and above that required by this Article.

ii. 2 percent: Twelve-foot right-of-way provision for approved bridle, hiking and bicycling trails.

iii. 5 percent: Preservation and conservation of farmland and farmsteads.

iv. 10 percent: Dedication of an acceptable public use site (minimum of 20 acres), or public parkland and public water access or monetary contribution to provide these amenities in lieu of the amount to be determined at the time of subdivision review by the Board of Supervisors.

**b. Site planning design.**

i. 2 percent: Excellence in use of existing topography and/or land recontouring.

ii. 3 percent: Excellence in siting buildings and building groupings which may include variations in building setbacks.

iii. 2 percent: Provision in design for usable courtyards, gardens and patios.

iv. 1 percent: Proper consideration of sun and wind orientations.

v. 4 percent: Right-of-way provisions for riding, hiking and bicycling.

**c. Landscape planting and screening.**

i. 1 percent: Provision of a landscaped buffer strip at least 10 feet wide between structures, in addition to that required by § 148-80 on all peripheral lot lines with a less restricted use (i.e., commercial).

ii. 5 percent: For the retention or planting of 12 trees of 4 or more inches in caliper per residential unit.

**d. Facilities and amenities.**

i. 5 percent: Recreational facilities which may or may not include a golf course and occupying 1 square foot for each square foot of residential floor area.

ii. 5 percent: Swimming pool (5 percent for each pool; not to exceed 10 percent).

iii. 1 percent to 3 percent: Tennis courts (1 percent for each court) and playground recreation equipment.

iv. 5 percent: Community center building and/or activities center.

v. 2 percent: Land area dedicated for public building site such as a fire station.

vi. 3 percent: Manmade lakes, reservoirs and water features (3 percent for lake of 5 to 10 acres, 4 percent for lake of 10 to 15 acres, 5 percent for lake of more than 15 acres (not to exceed 5 percent total credit lake)).

vii. 1 percent: Provisions for pedestrian leisure facilities, such as plazas, bicycle racks, benches, etc.

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**ARTICLE ~~VII~~IX Business General District B-1****§ 148-~~6496~~. Purpose.**

Generally this district covers these areas of the County intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, restaurants, taverns, garages and service stations. These areas are identified as "Commercial Hubs" in the Comprehensive Plan and are located in the following villages:

- Callao
- Heathsville
- Burgess
- North Kilmarnock

The intent is to focus the business activities of the County in these four areas in order to eliminate business sprawl along the primary transportation corridor of the County; and to facilitate the economic development of the County.

**§ 148-~~6597~~. Use regulations.** Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) ~~Tourist homes.~~
- (2) Motels and hotels.
- (3) Swimming pools or tennis courts, private and commercial. **[Added 11-14-1985]**
- (4) Farming and forestry without livestock.
- (5) Funeral homes.
- (6) Printing offices.
- (7) Restaurants.
- (8) Laboratories, pharmaceutical, medical.
- (9) Clinics.
- (10) Home occupations.
- (11) Professional business offices.
- (12) Gift and specialty shops.
- (13) Retail food stores.
- (14) Bakeries.
- (15) General stores.
- (16) Bank or trust companies.

- (17) Dry cleaners.
- (18) Laundries.
- (19) Wearing apparel stores.
- (20) Drug and sundry stores.
- (21) Barber and beauty shops.
- (22) Home appliances, sales, service.
- (23) Office buildings.
- (24) Service stations.
- (25) Automotive/truck sales and/or service.
- (26) Lumber and building supplies.
- (27) Plumbing and electrical supplies.
- (28) Machinery sales and service, including farm machinery.
- (29) Feed and seed stores.
- (30) Cabinet, furniture and upholstery shops.
- (31) Wholesale businesses and storage warehouse.
- (32) Country general store.
- (33) Antique shops.
- (34) Boat sales or rentals.
- (35) Flower shops.
- (36) Home professional offices.
- (37) Pet shops.
- (38) Service and repair shops.
- (39) Roadside stands.
- (40) Shoe repair shops.
- (41) Seafood processing.
- (42) Food processing and canning.
- (43) Accessory structures.
- (44) ~~Individual travel trailer with a skirt.~~
- (45) Public water and sewer systems. **[Added 8-9-1991]**
- (46) Mini-storage facilities
- (47) Animal hospitals or veterinary clinics, without runways or outside pens
- (48) Temporary construction offices
- (49) Nonaccessory tents (maximum 2 day event)

(50) Bowling alley

(51) Model home displays for conventional, modular, mobile, doublewide, etc. homes

(52) Home child care centers

(53) Monument sales

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-~~437~~223:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Multiple family dwellings.
- (4) Individual mobile/manufactured homes with a skirt ~~(Storage of an unoccupied mobile~~
- (5) ~~Two private, noncommercial piers on the same parcel.~~ **[Added 4-14-1988]**
- (6) ~~Farming with livestock.~~
- (7) Commercial nurseries and greenhouses.
- (8) ~~Veterinary, dog or cat hospitals (with runways).~~
- (9) ~~Animal hospitals or veterinary clinics, without runways or outside pens.~~
- (10) ~~Grain elevators.~~
- (11) Shopping centers.
- (12) Bus terminals.
- (13) Light industry.
- (14) ~~Portable sawmills.~~
- (15) Assembly of electrical appliances, electronics, etc.
- (16) ~~Auto reconditioning, truck repairing, retreading.~~
- (17) Blacksmith shops, welding or machine shops.
- (18) Manufacturing, compounding, processing or assembly of merchandise.
- (19) Manufacturing of ceramics, toys or novelties.
- (20) Contractors' equipment storage yards.
- (21) Boat building.
- (22) ~~Monumental stone works.~~
- (23) Commercial and community piers.
- (24) Guardhouse/security building.
- (25) Guest house.
- (26) Tourist homes
  - Rooming and boarding houses
  - Public amusements, including theaters

Public amusements, including theaters

(29) Public billiard parlors and pool rooms

Hospitals

Hospitals, special care

(32) Nursing homes

Family care homes, foster homes and group homes

(34) Adult assisted care facility

**§ 148-~~66~~98. Area regulations.**

None for commercial uses, however-except for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Zoning Administrator may require a greater area if considered necessary by the Health Official. Public water and sewer systems shall be exempt from area regulations.

For multi-family housing and/or mixed use developments, the Article XIV, Traditional Neighborhood Development requirements shall apply.

In addition, the net open space requirements of these two options may include public open space such as parkland located within ¼ mile of the proposed development

Individual residential housing shall meet the requirements of § 148-32 through § 148-40 of the Residential District, R-1 and owner should acknowledge the nature of the B-1 District may not be compatible with normal residential uses..

**§ 148-~~67~~99. Setback.**

Buildings shall be located 15 feet or more from any street right-of-way which is 50 feet or greater in width or 35 feet or more from the center line of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

**§ 148-~~68~~100. Yards.**

For permitted uses, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be 10 feet.

**§ 148-~~69~~101. Height regulations.**

- A. For farms, B-b buildings may be erected up to a height of 35 feet. For buildings over 35 feet, an approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
- B. For other uses, buildings may be erected up to 35 feet in height from grade, except that:

- (1) The height limit for buildings may be increased up to 45 feet, provided that there are two side yards for each permitted use, each of which is 10 feet or more plus one foot or more of side yard for each additional foot of building height over 35 feet. **[Amended 4-8-2004]**
- (2) A public or semipublic building, such as a school, church, library or general hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (4) No accessory structure which is within 10 feet of any property lot line shall be more than one story high.

**§ 148-102. Additional regulations for light industry.**

- A. Before a conditional use permit may be issued for a light industrial use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. These plans may be referred to the Commission for recommendation. Modifications of the plans may be required.
- B. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical considerations necessary for proper operation may be exempt from this provision. This exemption does not include storing of any materials.
- C. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet and to within 50 feet from the corner of any intersecting streets.
- D. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry and its employees and clients.
- E. Buildings or groups of buildings with their accessory buildings may cover up to 60% of the area of the lot, not to conflict with other provisions of this chapter if an adequate stormwater management plan is prepared and implemented in the site plan in order to reduce the effective impervious surface to 10% or less.

**§ 148-~~70~~103. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1 1989 which do not have a Health Department permit issued

prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-~~71~~104. Signs.**

Sign regulations shall conform to Article ~~XIX~~XVII of this chapter.

**§ 148-~~72~~105. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-~~114~~192.

**ARTICLE X Village Support District B-2****§ 148-106. Purpose.**

The purpose of this district is to permit the location of general business and limited residential in areas currently identified as Village Support Areas in the Comprehensive Plan. These are located adjacent to the villages along the major travel corridors and approximate to defined centers of business. The businesses will include such uses as retail stores, banks, theaters, business offices, restaurants, taverns, garages, service stations, and others to which the public requires direct and frequent access, but which are not characterized by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.

The further intent of this district is to provide for low to medium density residential development in these areas of the County which are identified as "village support areas" where the pattern of development has previously been established. All of these areas may not currently have public water and sewer and other public facilities available or planned for in the immediate future.

Development within the Village Support Area must be Re-Zoned to B-2 and meet the requirements of this ordinance.

The Village Support District has been established herein to assist in the fulfillment of the land use provisions of the comprehensive plan. It is the intent of this district, consistent with the plan, to provide for and preserve the character of these existing unincorporated population centers in the County, and to promote the configuration of new development into reasonable and effective service areas for the proper and efficient provision of water, sewerage, fire and police protection, and other public services.

In general, it is intended that the B-2 District shall preserve the character of these existing unincorporated rural population centers which have basically a single-family residential character but which also contain certain types of commercial or light industrial activities to serve primarily a local rural population.

The Village Support Areas identified in the Comprehensive Plan are part of the following villages:

Village  
Callao  
Lottsburg  
Heathsville  
Wicomico Church  
Lilian  
Burgess  
North Kilmarnock

This section of the ordinance excludes the Village Support Area in Reedville because of the unique waterfront location and necessity to address the specific needs of this Village.

It is the purposes of this ordinance to focus commercial development in the above villages and to allow the development and redevelopment of land in the villages named above consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

1. Is compact;
2. Is designed for the human scale
3. Provides for a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
4. Provides a mix of housing styles, types and sizes to accommodate households of all ages, sizes and incomes;
5. Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connection of those streets to existing and future developments;
6. Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
7. Incorporates significant environmental protection features into the design;
8. Is consistent with the County Comprehensive Plan.

#### **§ 148-107. Applicability.**

This ordinance applies to the areas identified in the Comprehensive Plan as Village Support Areas which is a mixed use area of commercial, residential, civic or institutional, and open space uses. The traditional neighborhood development, TND, concept within this ordinance provides a set of standards for development within, contiguous to or overlapping the Village Support Areas.

The requirements of Article XIV Traditional Neighborhood Development (TND) are applicable for new developments of 10 acres or more, and for redevelopment or infill development of 3 acres or more within or adjacent to or overlapping the Village Support Area as defined in the Comprehensive Plan.

#### **§ 148-108. Use regulations.**

A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Rest homes
- (3) Family cemeteries
- (4) Cemeteries
- (5) Motels and hotels
- (6) Tourist homes
- (7) Golf courses
- (8) Swimming or tennis clubs, private and commercial
- (9) Farming, with livestock
- (10) Farming and forestry, without livestock
- (11) Barber and beauty shops
- (12) Funeral homes
- (13) Printing offices

- (14) Restaurants, not including drive-throughs
- (15) Service stations
- (16) Animal hospitals or veterinary clinics with or without runways or outside pens
- (17) Clinics
- (18) Child-care centers
- (19) Home occupations
- (20) Home professional offices
- (21) Gift and specialty shops
- (22) Retail food stores
- (23) Bakeries
- (24) General stores
- (25) Home appliances, sales and service
- (26) Automotive/truck sales and/or service
- (27) Lumber and building supplies
- (28) Plumbing and electrical supply
- (29) Machinery sales and service, including farm machinery
- (30) Feed and seed stores
- (31) Cabinet, furniture and upholstery shops
- (32) Wholesale businesses and storage warehouses
- (33) Antique shops
- (34) Boat sales and rentals
- (35) Banks or trust companies
- (36) Flower shops
- (37) Mobile home sales yards
- (38) Commercial nurseries and greenhouses
- (39) Service and repair shops
- (40) Roadside stands
- (41) Accessory structures
- (42) Food processing and canning
- (43) Blacksmith shop, welding or machine shop
- (44) Boat building
- (45) Monument sales
- (46) Laboratories, pharmaceutical, medical

- (47) Professional business office
- (48) Individual travel trailer with a skirt
- (49) Guest house
- (50) Public water and sewer systems
- (51) Tent camping
- (52) Individual mobile/manufactured homes, with a skirt
- (53) Storage of an unoccupied mobile home
- (54) Drug and sundry stores
- (55) Office buildings
- (56) Assembly halls
- (57) Mini-storage facilities
- (58) Temporary construction offices
- (59) Nonaccessory tents (maximum 2 day event)
- (60) Home child care centers
- (61) Bowling alleys
- (62) Model home displays for conventional, modular, mobile, doublewide, etc. homes
- (63) Churches and places of worship, with or without cemeteries
- (64) Medical offices
- (65) Bed and breakfast establishments
- (66)
- (67)

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-223:

- (1)
- (2) Adult assisted care facility
- (3) Boat storage facility, marina/boatyard, commercial or private noncommercial or club-type
- (4) Commercial dog kennels
- (5) Drive-through restaurants
- (6) Family care homes, foster homes and group homes
- (7) Guardhouse/security building
- (8) Hospitals
- (9) Hospitals, special care
- (10) Multi-family dwellings
- (11) Nursing homes
- (12) Portable sawmills

- (12) Portable sawmills
- (13) Public amusements, including theaters
- (14) Public billiard parlors and pool rooms
- (15) Recreation camps, campgrounds and travel trailer camps
- (16) Residential units located on upper floors above commercial uses or to the rear of storefronts
- (17) Rooming and boarding houses
- (18) Truck and motor freight terminals

#### **§ 148-109. Area regulations.**

For lots containing or intended to contain permitted uses, the minimum lot area shall be 1/3 acre for residences where public water and sewerage is provided; and 3/4 acre for residences where individual septic systems with either public or private water systems are used. Public water and sewer systems shall be exempt from area regulations. The minimum lot area for non-residential use with individual septic systems shall be established by the Health Department and approved by the Zoning Administrator.

For mixed residential and/or mixed commercial and residential uses, the requirements of Article XIV Traditional Neighborhood Development (TND) are applicable for new development of 10 acres or more, and for redevelopment or infill development of 5 acres or more within or adjacent to or overlapping any Village Support Area.

For multi-family dwelling developments on parcels greater than 10 acres located within or adjacent to or overlapping any Village Support Area, the requirements of Article VII shall apply. For parcels less than 10 acres the development shall average no greater than 2 dwelling units per gross land area.

#### **§ 148-110. Setback.**

Setback shall be as described in § 148-159 Lot and Block Standards.

#### **§ 148-111. Frontage.**

The minimum frontage for permitted uses shall be 24 feet at the setback line and also shall meet the requirements of § 148-159 Lot and Block Standards.

#### **§ 148-112. Yards.**

A. Side. The minimum side yard for a residential structure and/or guest house shall be 10 feet, and the total width of the two required side yards shall be at least 20 feet. The minimum side yard for each accessory structure shall be four feet.

B. Rear. The minimum rear yard for a residential structure and/or guest house shall be 25 feet. The

minimum rear yard for each accessory structure shall be eight feet.

C. See § 148-159 Lot and Block Standards for non-residential requirements.

**§ 148-113. Height regulations.**

- A. Buildings may be erected up to a height of 35 feet. For buildings over 35 feet, an approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
- B. The height limit for buildings may be increased 10 feet, provided that there are two side yards for each permitted use, each of which is 10 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet. [Amended 4-8-2004]
- C. A public or semipublic building, such as a school, church, library or hospital, may be erected to a height of 50 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
- D. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt.
- E. No accessory building which is within 10 feet of any party lot line shall be more than one story high.

**§ 148-114. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-115. Signs.**

Sign regulations shall conform to Article XVII of this chapter.

**§ 148-116. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-192.

**§ 148-117. Not used**

**§ 148-118. Special provisions for corner lots.**

- A. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings.
- B. For subdivisions platted after the enactment of this chapter each corner lot shall have a minimum

width of 100 feet or more.

C. The above corner lot provisions are waived for parcels that are developed in accordance with Article XIV Traditional Neighborhood Development

**§ 148-119. Not Used**

**ARTICLE ~~the~~ XI Waterfront Village Support District B-3****§ 148-120. Purpose.**

The purpose of this district is to permit the location of general business and limited residential in areas on tidal waters currently zoned Agricultural (A-1) and Residential Waterfront (R-2) that are appropriate for location on or near tidal waters due to the nature of the business. This District includes the Reedville Village Support Area as identified in the Comprehensive Plan. The businesses will include but not be limited to such uses as waterfront restaurants, marinas, seafood processing, yacht and boating clubs, marine railways, boat sales and rentals, food processing and canning, and boat building to which the public requires direct and frequent access, but which are not characterized by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles

The further intent of this district is to provide for low to medium density residential development where the pattern of development has previously been established. All of these areas may not currently have public water and sewer and other public facilities available or planned for in the immediate future.

This section of the ordinance addresses the Waterfront Village Support Area in Reedville because of the unique waterfront location and necessity to address the specific needs of this Village and similar waterfront mixed business and residential areas in the county.

Development within the Waterfront Village Support Area in Reedville and similar areas must be Re-Zoned to B-3 and meet the requirements of this ordinance.

The Waterfront Village Support District is established herein to assist in the fulfillment of the land use provisions of the Comprehensive Plan. It is the intent of this district, consistent with the plan, to provide for and preserve the character of these existing unincorporated population centers in the County, and to promote the configuration of new development into reasonable and effective service areas for the proper and efficient provision of water, sewerage, fire and police protection, and other public services.

In general, it is intended that the B-3 District shall preserve the character of the existing unincorporated rural population centers which have basically a single-family residential character but which also contain certain types of commercial or light industrial activities to serve primarily a local rural population.

It is the purposes of this ordinance to focus commercial development in the villages and existing waterfront commercial areas to allow the development and redevelopment of selected areas consistent with the design principles of traditional neighborhoods which include a mix of residential units and commercial establishments. A traditional neighborhood:

1. Is compact;
2. Is designed for the human scale
3. Provides for a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;

4. Provides a mix of housing styles, types and sizes to accommodate households of all ages, sizes and incomes;
5. Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connection of those streets to existing and future developments;
6. Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
7. Incorporates significant environmental protection features into the design;
8. Is consistent with the County Comprehensive Plan.

#### **§ 148-121. Applicability.**

This ordinance applies to the areas identified in the Comprehensive Plan as Reedville Village Support Areas which is a mixed use area of commercial, residential, civic or institutional, and open space uses and to other waterfront locations of mixed use development. The traditional neighborhood development, TND, concept within this ordinance also provides a set of standards for development within, contiguous to or overlapping the Reedville Village Support Area.

The requirements of Article XIV Traditional Neighborhood Development (TND) are applicable for new developments of 10 acres or more, and for redevelopment or infill development of 3 acres or more within or adjacent to or overlapping the Reedville Village Support Area as defined in the Comprehensive Plan and to other existing mixed waterfront commercial and residential areas.

#### **§ 148-122. Use regulations.**

- A. In this district, structures to be erected or land to be used shall be for one or more of the following uses:
- (1) Single family dwelling
  - (2) Golf courses
  - (3) Swimming pools or tennis courts, private and commercial.
  - (4) Farming and forestry without livestock.
  - (5) Restaurants
  - (6) Gift and specialty shops
  - (7) Country general stores
  - (8) Boat sales or rentals
  - (9) Accessory structures
  - (10) Seafood processing
  - (11) Boat building
  - (12) Guest house
  - (13) Public water and sewer systems
  - (14) Boathouses, meeting the criteria that they be open-sided, do not exceed 18 feet in width, 36 feet in length and 20 feet in height and the adjoining or nearby property owners do not object to the boathouse.
  - (15) Individual mobile/manufactured homes with a skirt

- (16) Storage of an unoccupied mobile home
- (17) Private noncommercial piers
- (18) Temporary construction offices
- (19) Nonaccessory tents (maximum 2 day event)
- (20) Model home displays for conventional, modular, mobile, doublewide, etc. homes
- (21) Home child care centers
- (22)
- (23)

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-223:

- (1) Multiple family dwellings
- (2) Townhouses
- (3) Cluster home developments
- (4) Tourist homes
- (5) Two private noncommercial piers on the same parcel
- (6) Swimming or tennis clubs, commercial
- (7) Food processing and canning
- (8) Commercial piers and docks
- (9) Guardhouse/security building
- (10) Two-family dwellings
- (11) Hotels and motels
- (12) Public amusements, including theaters
- (13) Boat storage facility, marina/boatyard, commercial or private noncommercial or club-type
- (14) Marine railways
- (15) Hospitals
- (16) Hospitals, special care
- (17) Nursing homes
- (18) Family care homes, foster homes and group homes
- (19) Recreation camps, campgrounds, and travel trailer camps
- (20) Adult assisted care facility
- (21) Community piers
- (22)

**§ 148-123. Area regulations.**

For lots containing or intended to contain permitted uses, the minimum residential lot area shall be 3/4 acre.. Public water and sewer systems shall be exempt from area regulations. The Zoning Administrator may require a greater area if considered necessary by the Health Official considering the proximity to the water and ability to control stormwater runoff. Public water and sewer systems shall be exempt from area regulations. The minimum lot area for non-residential use with individual septic systems shall be established by the Health Department and approved by the Zoning Administrator.

For multi-family dwelling developments on parcels greater than 10 acres located within or adjacent to or overlapping any Village Support Area, the requirements of Article VII shall apply. For parcels less than 10 acres the development shall average no greater than 2 dwelling units per gross land acre.

If there are any conflicts with Article XIV requirements and other sections of this Article, Article XIV shall apply.

#### **§ 148-124. Setback.**

Setback shall be as described in § 148-159 Lot and Block Standards

#### **§ 148-125. Frontage.**

The minimum frontage for permitted uses shall be 24 feet at the setback line and also shall meet the requirements of § 148-159 Lot and Block Standards

#### **§ 148-126. Yards.**

- A. Side. The minimum side yard for residential structures and/or guest house shall be 10 feet, and the total width of the two required side yards shall be at least 20 feet. The minimum side yard for each accessory structure shall be four feet.
- B. Rear. The minimum rear yard for residential structures and/or guest house shall be 25 feet or zero feet if adjacent to the RPA boundary. The minimum rear yard for each accessory structure shall be eight feet.
- C. See also § 148-159 Lot and Block Standards for the general yard requirements for other types of uses.

#### **§ 148-127. Height regulations.**

- A. Buildings may be erected up to a height of 35 feet.. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest in order to provide a façade that blends with existing architectural styles.
- B. The height limit for commercial buildings may be increased 10 feet, provided that there are two side yards for each permitted use, each of which is 10 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.
- C. A public or semipublic building, such as a school, church, library or hospital, may be erected to a height of 50 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

- D. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt.
- E. No accessory building which is within 10 feet of any party lot line shall be more than one story high.

**§ 148-128. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-129. Signs.**

Sign regulations shall conform to Article XVII of this chapter.

**§ 148-130. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-192.

**§ 148-131. Special provisions for corner lots.**

- A. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings.
- B. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width of 125 feet or more.
- C. The above corner lot provisions are waived for parcels that are developed in accordance with Article XIV. Traditional Neighborhood Development

**§ 148-132. Exemption from rear yard regulations.**

The following businesses, which would suffer a hardship from adhering to the rear yard area regulations, shall be exempt from this restriction upon approval of the Health Department:

- A. Marina/boatyard, commercial.
- B. Seafood processing.
- C. Piers, commercial.
- D. Waterfront restaurants
- E. Other water-dependent businesses exempted from the RPA limitations by the Chesapeake Bay Act and as approved by the Zoning Administrator

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**ARTICLE ~~VIII~~ XII Industrial ~~Light~~ District M-1****§ 148-~~73~~133. Purpose.**

~~The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to locate in any area adjacent to residential uses. The provisions relating to height of building, horsepower, hearing, flammable liquids or explosives, controlling emission of fumes, odors and/or noise, landscaping and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.~~

The purpose of this district is to provide areas in which the use of land and buildings is for industrial purposes including manufacturing and assembly plants involving processing, storage, warehousing, wholesaling and distribution. It is the intent that uses be conducted so that noise, odor, dust, and glare of each operation are confined within an enclosed building. Where, due to the special requirements of an industry, operations must be conducted outside of an enclosed building, or storage of goods and materials is necessary outside of an enclosed building, adequate measures must be taken to protect adjoining properties and the general welfare of the County.

**§ 148-~~74~~134. Use regulations. [Amended 4-9-1987; 8-13-1998]**

- A. In this district, any structures to be erected or land to be used shall be for one or more of the following uses:
- ~~(1) Swimming pools or tennis courts, private and commercial.~~
  - ~~(2) Farming and forestry without livestock.~~
  - ~~(3) Home occupations.~~
  - ~~(4) Professional business offices.~~
  - ~~(5) General stores.~~
  - ~~(6) Office buildings.~~
  - ~~(7) Restaurants.~~
  - ~~(8) Service stations.~~
  - ~~(9) Auto sales and service.~~
  - ~~(10) Lumber and building supplies.~~
  - ~~(11) Plumbing and electrical supplies.~~
  - ~~(12) Machinery sales and service, including farm machinery.~~
  - ~~(13) Laboratories, pharmaceutical, medical.~~
  - ~~(14) Feed and seed stores.~~
  - ~~(15) Cabinet, furniture and upholstery shops.~~
  - (16) Wholesale businesses and storage warehouse.

- (17) ~~Country general stores.~~
- (18) ~~Boat sales or rentals.~~
- (19) ~~Home professional offices.~~
- (20) ~~Service and repair shops.~~
- (21) ~~Bus terminals.~~
- (22) Accessory structures.
- (23) Truck and motor freight terminals.
- (24) Seafood processing.
- (25) Light industry.
- (26) ~~Portable S~~sawmills.
- (27) Food processing and canning.
- (28) Assembly of electrical appliances, electronics, etc.
- (29) ~~Auto reconditioning, truck repairing, retreading.~~
- (30) Blacksmith shops, welding and machine shops.
- (31) Manufacturing, compounding, processing and assembly of merchandise.
- (32) Manufacturing of ceramics, toys and novelties.
- (33) Contractors' equipment storage yards.
- (34) Boat building.
- ~~(35) Monument stone works.~~
- (36) Concrete works.
- (37) ~~Flour mills and grain milling.~~
- (38) ~~Grain elevators.~~
- (39) ~~Individual travel trailer with a skirt.~~
- (40) ~~Community piers.~~
- (41) Public water and sewer systems.
  - Asphalt or concrete batching plants
  - Temporary construction offices
  - Nonaccessory tents (maximum 2 day event)

B. The following uses are permitted upon the issuance of a conditional use permit as provided in § 148-~~137~~223:

- (1) Cargo container storage (Added Jan 12, 2006)~~Single family dwellings.~~
- (2) ~~Individual mobile/manufactured homes with a skirt.~~
- (3) ~~Two private, noncommercial piers on the same parcel.~~ **[Added 4-14-1988]**
- (4) ~~Farming with livestock.~~

- (4) ~~Farming with livestock.~~
- (5) ~~Commercial feed lots.~~
- (6) ~~Livestock markets.~~
- (7) ~~Commercial nurseries and greenhouses.~~
- (8) ~~Veterinary, dog or cat hospitals (with runways).~~
- (9) ~~Sand and gravel pits.~~
- (10) ~~Asphalt or concrete batching plants.~~
- (11) Commercial ~~or community~~ piers.
- (12) Guardhouse security building.
- (13) ~~Guest house.~~
- (14) Buildings being constructed over 45 feet in height. **[Added 4-8-2004]**  
Flour mills and grain milling  
Grain elevators

**§ 148-~~75~~135. Requirements for permitted uses.**

- A. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operation and processes, shall be submitted to the Zoning Administrator for study. The Zoning Administrator may refer these plans to the Commission for recommendation. Modifications of the plan may be required.
- B. Permitted uses shall be conducted solely within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six feet in height. Boat builders, public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. The exception does not include storing of any materials.
- C. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet and to within 50 feet from the corner of any intersecting streets.
- D. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential district and for off-street parking of vehicles incidental to the industry, its employees and clients.
- E. Automobile graveyards and junkyards in existence at the time of the adoption of this chapter are to be considered as nonconforming uses. They shall be allowed up to three years after adoption of this chapter in which to completely screen, on any side open to view from the public road, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge six feet in height.
- F. The Zoning Administrator shall act on any application received within 30 days after receiving the application. If formal notice, in writing, is given to the applicant, the time for action may be extended for a thirty-day period. Failure on the part of the Zoning Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

**§ 148-~~76~~136. Area regulations.**

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Zoning Administrator may require a greater area if considered necessary by the Health Official. Public water and sewer systems shall be exempt from area regulations.

**§ 148-~~77~~137. Setback.**

Buildings shall be located 40 feet or more from any street right-of-way which is 50 feet or greater in width or 65 feet or more from the center line of any street right-of-way less than 50 feet in width, except that signs advertising sale or rent of the premises may be erected up to the property line. This shall be known as the "setback line."

**§ 148-~~78~~138. Yards.**

For permitted uses, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be 20 feet. The side yard of corner lots shall be 20 feet or more.

**§ 148-~~79~~139. Height regulations. [Amended 4-8-2004]**

Buildings may be erected up to a height of 35 feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest. The height limit for buildings may be increased up to 45 feet. For each parcel adjoining a side street and/or land that is zoned agricultural or residential, the required setback will be increased one foot in width for each foot in height over 35 feet. Buildings over 45 feet in height may be allowed as a conditional use in the Industrial ~~Light~~ Zoning District.

**§ 148-~~80~~140. Coverage of lot. [Amended 7-9-1991]**

Buildings or groups of buildings with their accessory buildings may cover up to 60% of the area of the lot.

**§ 148-~~81~~141. Septic regulations. [Amended 11-9-1989; 9-12-1991]**

- A. All lots recorded after October 1, 1989, where public sewerage is not provided shall have a reserve drainfield site as well as a primary drainfield site that has been approved by the Health Department.
- B. All lots recorded prior to October 1, 1989, which do not have a Health Department permit issued prior to October 1, 1989, and where public sewerage is not provided shall have a reserve drainfield site that has been approved by the Health Department. If the Health Department cannot locate both drainfield sites, then only a primary site will be required.

**§ 148-~~82~~142. Signs.**

Sign regulations shall conform to Article ~~XIV~~XVII of this chapter.

**§ 148-~~83~~143. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-~~144~~192.

**ARTICLE ~~IX~~XIII Historical Site District [Added 3-9-1989] H-1****§ 148-~~84~~144. Purpose.**

Special overlay regulations for historic sites are provided to promote the public welfare through protection and preservation of buildings, structures and sites of historic interest within Northumberland County and increase the opportunities for educational, cultural, aesthetic and/or economic improvement. Additional purposes are to stabilize and improve surrounding property values while encouraging new buildings and developments that will be harmonious with existing historic buildings and sites (Historic Site District HSD).

**§ 148-~~85~~145. Underlying districts.**

The HSD is created as a special district to be overlaid on to the existing underlying zoning districts and to be so designated on the Official Zoning Map by shading/screening patterns for their boundaries. Where there happens to be any conflict between the provisions or requirements of any of the HSD's and those of the underlying district, the more restrictive provisions of either district shall apply. The designation of a property as within the Historic Site District shall not affect the use or development of adjoining properties.

**§ 148-~~86~~146. Permit; approval of Historic Site Review Board.**

Application and approval for a building and zoning permit is required to authorize the reconstruction, demolition, alteration, renovation or moving of an historic landmark, building or structure. The boundaries of the HSD shall conform to the applicant's lot of record. No building or structure, including signs, shall be erected, reconstructed, altered, restored, razed, demolished or moved within the HSD unless the same is approved by the Historic Site Review Board as being architecturally compatible with the historic landmarks, buildings or structures therein and a building and/or zoning permit issued.

**§ 148-~~87~~147. Procedures for establishing site or district.**

The following procedure shall be used in placing land and structures in the Historic Site and/or District (HSD):

- A. The owner of any landmark, building or structure in Northumberland County, including those listed on the Virginia Landmark Register of the National Register of Historic Places, may make a written request of the Board of Supervisors for the addition of such landmark, building or structure to the HSD. The application shall adhere to the applicable procedures of the this chapter. The Board of Supervisors shall refer the request to the Historic Site Review Board, which will review the application within 30 days of initial submission and make a recommendation of the Board of Supervisors. A site plan described below shall be provided for all such sites by the applicant.
- B. A site plan shall be submitted with an application for inclusion within the HSD. The plan shall include:
  - (1) The location, size and description of the site, including photographs of structures, and landscaping. (May be omitted if site is already listed on the Virginia Landmark Register or the National Register of Historical Places.)
  - (2) A description of the known historic significance or importance of the site. (May be omitted if site is already listed on the Virginia Landmark Register or the National Register of Historical Places.)

- (3) Plans (if any) for the restoration or development for public use.
- (4) Plans for utilities (sewer, water, heat) and parking systems for sites open to the public.
- (5) Statements of the relationship of the site to existing land use in the surrounding area.
- (6) Evidence that the applicant has sufficient control over the site to achieve the intent of this chapter.

**§ 148-~~88~~148. Basis of approval.**

The basis of approval for the HSD shall be that such sites meet one or more of the following criteria:

- A. Designated on the National Register of Historic Places, a National Historic Landmark or registered with the Virginia Historic Landmarks Commission.
- B. Of value, character or interest as a part of the cultural, economic, social, ethnic or historical heritage of Northumberland County, Commonwealth of Virginia or the United States.
- C. Identification as the work of an architect or master builder whose individual work has influenced the development of the County or the commonwealth.
- D. Representative of distinguishing characteristics of an architectural period, type or specimen.
- E. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
- F. Location as the site of a significant historic event of the County, commonwealth or the United States.
- G. Value as an aspect of community sentiment or public pride.
- H. Identification with a person or persons who significantly contributed to the culture and development of the County, commonwealth or the United States.
- I. Representative of elements or architectural design, detail, material or craftsmanship which represent a significant architectural innovation.

**§ 148-~~89~~149. Historic Site Review Board.**

- A. There is hereby created an Historic Site Review Board, to be composed of five members appointed by the Board of Supervisors, one each from the following:
  - (1) One member at large from Northumberland County.
  - (2) One member of the Planning Commission of Northumberland County.
  - (3) One member of the Northumberland County Historical Society.
  - (4) One member of Northumberland Preservation, Inc.
  - (5) One member with a degree in architecture or extensive experience in architectural restoration.
- B. The HSD Review Board may propose to the Planning Commission amendments to the provisions of this chapter as deemed appropriate.
- C. *Terms of office* The members shall serve overlapping terms of three years until they are

reappointed or their successors are appointed. Initially, one member shall be appointed for a term of one year, two members for a term of two years and two members for a term of three years. Should a member representing a designated organization or profession cease to be a member of that organization or profession, a new appointment will be made by the Board of Supervisors from the same organization or profession, but until the appointment is made, then a member continues to hold that position.

- D. Organization, meetings and records. The HSD Review Board shall elect its Chairperson, Vice Chairperson and Secretary. A quorum of the Review Board shall consist of three members. The Review Board will establish rules or procedures for the transaction of business, and all meetings shall be open to the public.

**§ 148-~~90~~150. Historic site markers.**

The Review Board shall design an appropriate marker in conjunction with the Virginia Division of Historic Landmarks. The Board will also develop the necessary regulations governing the installation of the markers.

**§ 148-~~94~~151. Alteration of HSD's.**

- A. Application for a building permit and/or a zoning permit is needed to authorize the erection, reconstruction, alteration, demolition, renovation or maintenance that affects the external appearance of any historic site, building or structure designated on the Official Northumberland County Zoning Map. No building or zoning permit shall be issued until approval is received from the Historic Site Review Board via the Zoning Administrator.
- B. Upon receipt of an application, the Historic Site Review Board shall have 30 days to review the application. The applicant shall be permitted to speak before the Review Board.
- C. The Review Board may also require additional information from the applicant, upon which an additional 30 days or less review period will be applied once the additional information is received by the Review Board.
- (1) The extent to which the building or structure will preserve or protect historic places and areas of historic significance or interest for general welfare of the County.
  - (2) Is the building of such architectural or historical interest that its removal would be to the detriment of the public interest?
  - (3) Is the building of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
  - (4) Would retention of the building help preserve and protect an historic place or area of historic interest in the County?
  - (5) Would the proposed relocation have a detrimental effect on the structural soundness of the landmark, building or structure?
  - (6) Would the proposed relocation have a detrimental effect on the historical aspects of other landmarks in the HSD?
  - (7) Would relocation provide new surroundings that would be harmonious with or incongruous to the historical and architectural aspects of the landmark, structure or building?
  - (8) Would relocation of the building help preserve and protect an historic place or area of historic interest in the County?

**§ 148-~~92~~152. Appeals to Board of Supervisors.**

Whenever the HSD Review Board shall disapprove an application to construct, alter, move, renovate or demolish an historical landmark, structure or building, then the applicant for such permit shall have the right to appeal to and be heard before the Board of Supervisors, provided that he or she files with the Clerk of the Board a notice of appeal within 15 days after the decision of the Historic Site Review Board. The hearing date shall be advertised for at least two successive issues of the local newspaper prior thereto, and the costs in connection therewith shall be borne by the applicant. On any such appeal by the applicant, the decision of the Historic Site Review Board appealed from shall be stayed pending the outcome of the appeal before the Board of Supervisors. The Board may affirm, reverse or modify with specific changes the decision of the Historic Site Review Board, in whole or part.

**§ 148-~~93~~153. Appeals to Circuit Court.**

Within 30 days after any final decision by the Board of Supervisors, an aggrieved party as a matter of right may appeal to the Circuit Court for review by filing a petition at law, setting forth the alleged illegality of the action of the Board of Supervisors. The filing of said petition shall stay the decision of the Board pending the outcome of the appeal to the Circuit Court, except that the filing of such petition shall not stay the decision of the Board of Supervisors if such decision denies the right to raze, move or demolish a historical landmark, building or structure. The Circuit Court may reverse or modify the decision of the Board, in whole or in part, if the Court finds upon review that the decision of the Board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or the Court may affirm the decision of the Board.

**§ 148-~~94~~154. Additional rights.**

In addition to the right of appeal herein set forth, the owner of an historic landmark building or structure, the razing or demolition of which is subject to the provisions hereof, shall, as a matter of right, be entitled to raze or demolish such landmark building or structure, provided that:

- A. He or she has applied to the Board of Supervisors for such right;
- B. The owner has for a period of time set forth in the schedule contained in § 15.2-2306 of the Code of Virginia 1950, as amended, and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark building or structure, and the land pertaining thereto, to such County or to any person, firm corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and
- C. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in § 15.2-2306 of the Code of Virginia 1950, as amended. Any appeal which may be taken to the Court from the decision of the Board of Supervisors, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to the stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to herein. No offer to sell shall be made more than one year after a final decision by the Board of Supervisors, but thereafter the owner may renew his or her request to the Board of Supervisors to approve the razing or demolition of the historic landmark, building or structure.

## **ARTICLE XIV Traditional Neighborhood Development**

### **§ 148-155 Purpose**

The purpose of this Article is to provide the design standards for mixed residential developments in the existing villages and village support areas in order to provide livable neighborhoods that include various types of dwelling units and support commercial establishments.

### **§ 148-155A . Neighborhood Uses.**

In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development should consist of a mix of residential uses, a mixed use area, and open space as provided below:

1. A mix of residential uses of the following types can occur anywhere in the traditional neighborhood development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the Traditional Neighborhood Development.

- a. Single-family detached dwellings;
- b. Single family attached dwellings, including duplexes, townhouses, row houses;
- c. Multifamily dwellings, including senior housing;
- d. Secondary dwelling units ("Granny flats");
- e. "Special needs" housing, such as community living arrangements and assisted living facilities

2. Mixed use area, of commercial, residential, civic or institutional, uses as identified above in §148-z18 and open space uses such as a central square. All residents should be within approximately ¼ mile or a 5 minute walk from existing or proposed commercial, civic, and open space areas. Individual businesses should not exceed [6,000] square feet in size.

3. Open space uses as identified below should be incorporated in the traditional neighborhood development as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.

- a. Environmental corridors;
- b. Protected natural areas;
- c. Community parks;
- d. Streams, ponds and other water bodies;
- e. Stormwater detention/retention facilities, LID facilities.

### **§ 148-156. Development units.**

The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:

- 1. In areas or parcels devoted to mixed residential uses:
  - a. The number of single-family attached and detached units permitted shall be 4 Dwelling units per net acre with public sewer and 1.33 DU per net acre with on-site sewer;
  - b. The number of multi-family units shall be 5 dwelling units per gross acre with a maximum of 6 dwelling units per structure.
  - c. Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of secondary dwelling units shall not be more than 10% of the total number of single-family attached or detached units.

2. In mixed commercial and residential use areas:

a. the number of single-family and multifamily dwelling units permitted shall be calculated the same as above plus and additional number of units not to exceed 10% of the amount permitted above.

b. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than 10 dwelling units or 10%, whichever is greater.

3. The total ground floor areas of nonresidential development uses, including off-street parking areas, shall not exceed 25 % of the traditional neighborhood development.

#### **§ 148-157. Open space.**

At least 30% of the gross acreage of the Traditional Neighborhood Development must be Net Open Space. Net Open Space is the Gross Area less impervious areas (structures, parking, driveways, walkways, etc.) and may include undevelopable areas such as steep slopes and wetlands, and stormwater and retention basins and other LID elements. At least 25% of the Net Open Space must be common open space dedicated to the public for parkland. Ninety percent of the lots within the areas devoted to mixed residential uses shall be within a ¼ mile or a 5 minute walk from common open space.

Existing public open space such as commons, parks and recreation areas may be counted toward Net Open Space if not already counted in an existing TND.

#### **§ 148-158. Stormwater management.**

The design and development of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained /protected to the maximum extent practicable. Low Impact Development, LID, Integrated Management Practices are required to be incorporated into the site design to maintain the pre-development hydrology and to meet an equivalent 10% impervious material level in addition to meeting all the requirements of Chapter 54 Chesapeake Bay Preservation Area regarding stormwater management . New development and redevelopment shall meet Low Impact Development criteria which are summarized as follows::

1. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed;
2. Post development peak discharge rates should not exceed pre-development peak rates;
3. Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids;
4. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable;
5. All treatment systems and LID IMPs must have operation and maintenance plans to ensure that systems function as designed.

A storm runoff and drainage system shall be installed by the developer so as to adequately dispose of all runoff and drainage so as not to permit excess flow of water across streets or adjoining properties. Where stormwater flows into streams, Low Impact Design principles shall be followed and The Site Design Checklist and LID Calculations Worksheet shall be used to determine the requirements for LID Integrated Management Practices. Plans for such groundwater control systems shall be submitted with the application for the permit.

#### **§ 148-159. Lot and block standards**

The intent of these standards is to create an urban structure that is pedestrian friendly. Short blocks in traditional grids create multiple routes and more direct routes for pedestrians, bicyclists and motorists. Lot and block design should promote development that is compatible with natural features, minimizes pedestrian and vehicular conflict, promotes street life and activity, reinforces public spaces, promotes public safety, and visually enhances development. Where these standards conflict with the lot and block requirements of the Subdivision Ordinance section §128-21, the more restrictive of the conflicting requirements applies.

1. Block and Lot Size Diversity. Street layouts should provide for perimeter blocks that are generally in the range of 200 – 400 feet deep by 400 – 800 feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected needs of people with differing housing needs.

2. Lot Widths. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.

3. Building Setback, Front – Mixed Use Area. Structures in the mixed use area have no minimum setback beyond that necessary for sidewalks. Commercial and civic or institutional buildings should abut the sidewalks in the mixed use area.

4. Building Setback, Front and Rear – Areas of Mixed Residential Uses. Single-family detached and attached residences and multi-family residences shall have building setbacks in the front and the rear the same as for single family R-1 zoning. The setback area should include a minimum 6 foot planting strip and a minimum 4 foot sidewalk.

5. Side Setbacks. Zero lot-line single family dwellings are permitted, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

#### **§ 148-160. Circulation standards.**

A goal of a traditional neighborhood development is a vehicle circulation system that provides for access generally by way of an interconnected network of streets (such as a grid pattern). The interconnected street pattern is meant to limit the use of isolated culs-de sac which force the major circulation pattern of a community into a few main roads. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through traditional neighborhood development.

1. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Traditional Neighborhood Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by 4-foot minimum sidewalks in residential areas and 5-foot minimum sidewalks in mixed use areas. Sidewalks shall be provided to associated parking areas. All sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

2. Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4 foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.

3. Public Transit Access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance.

4. Motor Vehicle Circulation. Motor vehicles circulation shall be designed to minimize conflicts with pedestrians and bicycles.

#### **§ 148-161. Street Orientation.**

The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, and minimize street gradients. All streets shall terminate at other streets or at public land except local streets may terminate in stub streets when such streets act as connections to future phases of the developments. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

#### **§ 148-162. Parking Requirements.**

Parking areas for shared or community use should be encouraged. See § 148-192 for parking requirements. In addition:

1. In the mixed use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in paragraph J below.
2. A parking lot or garage may not be adjacent to or opposite a street intersection.
3. In the mixed use area, a commercial use must provide one parking space for every 200 square feet of gross building area.
4. Parking lots or garages must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
5. Adjacent on-street parking may apply toward minimum parking requirements.
6. In the mixed residential areas, parking may provided on-site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
7. Multi-family used must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom.

#### **§ 148-163 Architectural standards.**

A goal of traditional neighborhood development is that it is compact. Compact development in part means the development is designed for the human scale. The emphasis on design includes being sensitive to surrounding architecture, to walking distances, the height and bulk of buildings, the design of street lights and signs, sidewalks and other features. In Northumberland County, it is important to retain the open, rural character.

1. Height. New structures within a Traditional Neighborhood Development shall be no more than 2 1/2 stories for single-family residential, or 4 stories for commercial, multi-family residential or mixed use or as required by § 148-69. Height Regulations, whichever is more restrictive.

2. Architectural Design. The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of the surrounding area, with natural land forms and existing vegetation and with other development plans approved by the County. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the area's character. The front facades shall not be oriented to face directly toward a parking lot.

#### **§ 148-164. Utilities.**

All utilities serving the TND, including sanitary sewer, water, electrical transmission lines and telephone lines, shall be either centralized or public in nature and shall be placed underground.

**§ 148-165. Landscaping and Screening Standards**

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.

1. Street trees. A minimum of one deciduous canopy tree per [40] feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

2. Parking area landscaping and screening.

a. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:

i. A landscaped area at least [5] feet wide along the public street or sidewalk.

ii. Screening at least [3] feet in height and not less than [50] percent opaque.

iii. One tree for each [25] linear feet of parking lot frontage.

b. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped.

Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

c. In large parking lots containing more than [200] spaces, an additional landscaped area of at least [300] square feet shall be provided for each [25] spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

3. Installation and Maintenance of Landscaping Materials.

a. All landscape materials shall be installed to current industry standards.

b. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.

4. Materials. All plant materials must meet the minimum standards set by the the American National Standards Institute in ANSI Z60.1 American Standard for Nursery

Stock. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species. Plant materials shall comply with the following standards:

a. Minimum plant size shall be as specified as follows (for the purpose of determining tree trunk size, the diameter shall be measured at breast height, dbh):

<u>Plant Type</u>	<u>Minimum Size</u>
<u>Evergreen tree</u>	<u>6 feet in height</u>
<u>Deciduous canopy tree</u>	<u>22 inches caliper at dbh*</u>
<u>Small deciduous tree</u>	<u>12 inches caliper at dbh*</u>
<u>Evergreen or deciduous shrubs</u>	<u>18 - 24 inches in height</u>

\*dbh = diameter at breast height

b. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.

c. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.

d. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within 2 years.

**§ 148-166. Guidelines for Lighting.**

Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer high-intensity lights, should be used. Street lights shall be installed on both sides of the street at intervals of no greater than 75 feet. Street lighting design shall meet the minimum standards developed by the Illuminations Engineering Society.

The standards of § 148-194 Lighting 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. Site plans shall include a lighting plan, drawn at the same scale as the site plan, to demonstrate compliance with these standards.

**§ 148-167. Management of open space.**

(1) All open space shall be preserved for its intended purpose as expressed on the site plan.

(2) Traditional Neighborhood Developments that include common property must be subject to the submission and approval of a legal instrument or instruments encompassing bylaws and restrictive covenants setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, LID facilities, private streets, improvements and other common facilities. This organization is hereafter referred-to as the Homeowners Association, HOA. No such instrument shall be acceptable unless and until approved by the County attorney as to legal form and effect, and the Commission or Zoning Administrator as to suitability for the proposed use of the common land.

(3) All common property shall be deeded to a HOA. The developer shall file a declaration of covenants and restrictions that will govern the HOA with the application for tentative plat approval.

(4) The Home Owners Association, including covenants and restrictions, articles of incorporation, and bylaws, must be set up and legally constituted prior to the sale of any lot, dwelling unit or other structure located within the development.

(5) All covenants and restrictions must be permanent, run with the land and must encompass the following provisions:

(a) Membership in the organization shall be mandatory for all residential property owners, present or future, within the development.

b. The HOA must be responsible for liability insurance, local property taxes, and the maintenance of all streets, land, appurtenances and other commonly owned facilities.

c. Homeowners must pay their pro rata share of the cost of the above through an assessment levied by the HOA which must become a lien on each homeowner's property.

d. The HOA must be able to adjust assessments or levy special assessments to meet changing needs.

e. The HOA must be organized as a nonprofit corporation.

f. Lots or dwelling units assessed by the HOA shall only be those indicated on the final plat approved by the Commission or the Zoning Administrator.

g. Provisions must be made by a date certain or when 50% of the properties are sold by the developer, whichever is earlier, to turn over full control of the common properties to the HOA.

(6) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space and common areas and appurtenances.

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## **ARTICLE XV. Highway Corridor Overlay District**

### **§ 148-168. Establishment and intent.**

The highway corridor overlay district (HCO) is hereby established for the purpose of protecting the County's major roadway corridors, which directly impact the public health, safety, and welfare. As the transportation lifelines of the community, these routes provide access to schools, jobs, and other destinations. They also facilitate the provision of emergency services, and foster tourism and economic development. As resources made possible through public investment, such roadways warrant protection in order to preserve their safety, capacity, and function. Finally, as visible elements of the County, they require management to protect and enhance community character.

### **§ 148-169. Applicability.**

The HCO shall apply to Virginia State Routes 360 and 200 for their entire length in Northumberland County. Any development within 500 feet of the centerline of the right-of-way shall be subject to these requirements. This HCO includes consideration of the special situations in Village Commercial Hubs and Village Support Areas, (Zoning Districts B-1 and B-2 respectively as identified in the Comprehensive Plan and the Future Land Use maps). The HCO shall also apply to redevelopment, which shall include measures to bring non-conforming sites into compliance, as outlined herein.

For the purposes of this ordinance, large developments consisting of multiple parcels (including but not limited to shopping centers and business parks) shall be treated as individual development projects. Logical extensions of such developments shall also be subject to these regulations, regardless of whether they abut the highway. For developments subject to these regulations, all required plans may be submitted as a single plan, provided all required information is clearly shown to meet the requirements outlined herein.

To ensure adequate coordination with the Virginia Department of Transportation (VDOT), the County shall seek comments from the Resident Engineer or his/her designated representative on the proposed roadway, driveway, and circulation systems.

### **§ 148-170. Access.**

The purpose of this section is to manage vehicular and non-vehicular access. To ensure that development in the HCO supports the County's access management policies, all site plans shall include an access plan, drawn to the same scale as the site plan and showing the location and dimensions of all streets, driveways, turn lanes, access drives, interparcel connections, bicycle and pedestrian access, parking areas, and other relevant information. Access to HCO routes shall be provided by direct or indirect means, consistent with the following:

•*Number of access points:* Each tract of land recorded prior to effective date shall be permitted one point of direct or indirect access to the public roadway system, provided that such access conforms to the corner clearance and sight distance requirements of this ordinance. Where the roadway frontage of a tract of land is greater than 500 feet, an additional access point may be permitted, if it is determined in consultation with VDOT that such access will not be detrimental to highway safety, capacity, or function. Any such additional access shall comply with all applicable sections of this ordinance. Where multiple parcels are developed as a single project, such as a shopping center or similar use, they shall be treated as a single parcel for the purposes of determining the permitted number of access points. For Village Commercial Hubs access to the roadway may not always be possible, appropriate, or permissible. In these areas, the County and VDOT shall review requests for access based on the potential for shared access, the need for parking, desired corner clearance, and driveway spacing.

•The minimum corner clearance of driveways from intersecting streets shall be 400 feet approaching the intersection. Downstream corner clearance shall be 250 feet minimum. For side street approaches to a designated highway, the minimum corner clearance shall be 250 feet upstream and 100 feet downstream. At signalized intersections, corner clearances in excess of these minimum dimensions may be required, in consultation with VDOT. Where a traffic study is submitted that shows 20-year peak period 95-percentile queue lengths will not extend past the driveway location, corner clearances may be reduced, in consultation with VDOT. These standards may not be possible or desirable in village settings. In these areas, corner clearance shall be a factor in analyzing access requests, discussed above.

•Minimum sight distances along the highway shall be provided to allow vehicles to safely turn left or right onto the highway. Sight distances provided along the HCOD shall be a minimum of 1,000 feet. Where village areas have posted speed limits below those on the main artery, the County and VDOT may consider sight distances less than 1,000 feet.

•Outparcels: All access to outparcels shall be internalized utilizing the main access drive of the principal commercial center. Access to the outparcel shall be as direct as possible, avoiding excessive movement across the parking aisles and queuing across surrounding parking and driving aisles. In no instance shall the circulation and access of the principal commercial facility and its parking and service be impaired.

•New residential subdivisions shall include an internal street layout that shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the highway.

•Median crossovers: Where a proposed development fronts an existing or planned median crossover, access from the development to adjacent sites shall be provided, so as to promote shared access and minimize demand for additional crossovers.

• Shared access and reverse frontage: Interparcel connections shall be provided to facilitate the local movement of traffic and minimize demand for local trips on the highway. Based on consultation with the VDOT Resident Engineer, interparcel access may take the form of direct driveway connections or reverse frontage roads.

•Pedestrian access: Pedestrian walkways shall be incorporated into each project and shall be coordinated with on-site landscaping so as to minimize conflicts with vehicular traffic. Pedestrian circulation systems shall connect uses within individual projects, and shall be extended to adjacent parcels where inter-parcel vehicular access is required. Where pedestrian access crosses an access drive (such as crossing from a parking aisle to a building entrance), crosswalk improvements shall be required.

#### **§ 148-171. Required improvements and traffic impact analysis.**

The County shall consult with VDOT to determine the necessary improvements to support the proposed use. The developer shall be responsible for the provision of the improvements, which shall be shown on the site plan. This determination shall be based on:

- The Comprehensive Plan.
- Applicable roadway and/or access management plans.
- Applicable traffic impact analyses.
- Highway safety and capacity.

All proposed developments expected to generate more than 1,000 average daily trips shall prepare and submit a traffic impact analysis. The projected number of average daily trips shall be calculated using the trip generation rates as defined by the most recent publication of the Institute of

Transportation Engineers "Trip Generation". In addition, the County may require a traffic impact analysis for developments expected to generate fewer than 1,000 average daily trips when it is determined, in consultation with VDOT, that safety concerns warrant such analysis. The traffic impact analysis shall identify level of service impacts of the proposed development, based on a twenty-year demand projection, and shall be used to determine necessary improvements to support the development. At a minimum, the impact analysis shall address the following:

- Turn lane and access improvements.
- Internal site circulation.
- Shared access/access to adjacent sites.
- Impacts to intersections and median crossovers.
- Potential need for signalization.
- Relationship of the proposal to applicable roadway and/or access management plans.

#### **§ 148-172. Setbacks.**

In order to preserve and enhance highway safety and efficiency, setbacks shall be provided for front, side, and rear yards on all developments subject to the HCOD. Setbacks shall remain free from all development, including buildings, parking areas, gas pumps, canopies, and similar structures and facilities. Signs shall be permitted in setbacks, consistent with the regulations outlined herein. Where necessary to accommodate an approved circulation plan, access driveways are permitted within setbacks. For large developments such as shopping centers, setbacks shall apply to the full perimeter of the project, not to internal property lines. Specific setbacks for rural roadway sections, which shall be shown on site plans, shall be as follows:

- Front yard: 100 feet from the centerline of the right of way on existing two lane highways or 75 feet from the edge of the roadway on existing four-lane highways.
- Side yard: 15 feet from the property line.
- Rear yard: 20 feet from the property line.

For village commercial hubs, where traditional shallow setbacks contribute to local character, new development and redevelopment shall conform to the traditional setbacks. In these areas, existing building frontages shall constitute a "build-to" line, with moderate variations permitted based on the existing pattern. Side and rear setbacks shall also follow traditional patterns.

#### **§ 148-173. Signs.**

To manage roadway signs in a manner consistent with traffic safety and corridor appearance, the standards of Article XVII shall apply. Site plans shall identify the number, location, size, and height of signs, consistent with that Article XVII

#### **§ 148-174. Lighting.**

The standards of § 148-194 Lighting 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. Site plans shall include a lighting plan, drawn at the same scale as the site plan, to demonstrate compliance with the § 148-194 standards.

#### **§ 148-175. Landscaping.**

Well planned and maintained landscaping will achieve several benefits in furtherance of this ordinance. Specifically, this section is intended to:

- Preserve and enhance the visibility of traffic on major highways.
- Preserve and enhance the visual quality of designated corridors.
- Reduce the volume and improve the quality of stormwater run off.

• Shade parking lots, reducing heat generation.

Site plans shall include a landscaping plan, drawn to the same scale as the site plan, and showing the location, size, and description of all landscaping materials in relation to structures, parking areas, and driveways.

• Plant materials specifications: All plant materials shall be living and in healthy condition, and shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen. In order to achieve the highest likelihood of survival, plants shall be suitable for climatic zone 7. In order to maximize plant success, and to minimize maintenance expense, plant materials shall be suitable for their location on an individual site. Such concerns as danger to structures, shade requirements, wind protection, water needs, and plant spacing shall be incorporated into the landscaping plan. Where appropriate, supplementary review guidelines and expert advice may be used in the review of landscaping plans.

• Minimum size standards:

Large deciduous trees--Large deciduous trees shall be of a species having an average minimum mature crown spread of greater than 30 feet. A minimum caliper of 2 1/2 inches dbh at the time of planting shall be required.

Small deciduous trees--Small deciduous trees shall be of a species having an average minimum mature crown spread of greater than 12 feet. A minimum caliper of at least 2 1/2 inches dbh at the time of planting shall be required.

Evergreen trees--Evergreen trees shall have a minimum height of five feet at the time of planting.

Shrubs--Shrubs shall have a minimum height of two feet at the time of planting.

• Tree preservation: Preservation of existing trees shall be maximized. Except when otherwise necessary to provide access, or in accordance with accepted landscape practice, trees of eight inches or greater diameter at breast height, located within any required setback, shall be preserved. Where any such tree is unhealthy, or needs to be removed in accordance with accepted landscape practice, its removal shall be indicated on the landscaping plan. Any healthy tree or shrub that is preserved may be credited toward the requirements of this section. All vegetation to be preserved shall be shown on the landscaping plan, and groups of trees and/or shrubs may be outlined as a single unit.

• Maintenance: The owner, or his agent, shall be responsible for the maintenance, repair, and replacement of all landscape materials required by this section. All plant materials shall be maintained in a healthy growing condition and free from debris and refuse at all times. All unhealthy plant material shall be replaced during the next planting season. All landscape areas shall be provided with a readily available water supply, which shall be shown on the landscaping plan. Water sources that require extending hoses over parking areas or access drives do not meet this requirement.

• Installation and bonding requirements: All landscaping shall be installed in accordance with accepted landscape practices. All areas approved for landscaping shall be enclosed with a visible barrier prior to the start of any site preparation or construction. Nothing shall be driven across, stored within, or otherwise intrude within these areas. Where this is not possible or where this requirement is violated, landscape areas shall be repaired by means of loosening compacted soil to a depth of three feet. Once completed, landscaping areas shall be protected from vehicular encroachment. When occupancy of a structure is desired prior to completion of the required landscaping, due to seasonal considerations, surety shall be provided in an amount equal to the costs of the landscaping. All landscaping shall be installed during the first planting season following occupancy, or the surety may be forfeited to the County. This requirement does not preclude phasing of landscaping for larger developments, the timing of which shall be shown on landscaping plans.

• Perimeter landscaping: Landscaping shall be required at the outer boundaries of projects, or within the required setbacks, and shall be provided except where driveways or other openings may be required. For large development projects such as shopping centers, perimeter landscaping shall apply to the full perimeter of the project, and not to internal property lines. This section does not apply to small village commercial hub settings. The linear feet guidelines below are to be used to calculate the number of required plantings; they do not require that plantings be uniformly spaced. Rather, grouping

of plants consistent with accepted landscape practice is encouraged. Specific requirements are as follows:

- At least one large deciduous tree for each 50 linear feet.
- At least one small deciduous tree for each 30 linear feet.
- At least one evergreen tree for each 30 linear feet.
- At least one shrub for each ten linear feet.

•*Parking lot landscaping:* Parking lots containing five or more spaces shall be internally landscaped, so as to provide shade and screening, and in order to facilitate the safe and efficient movement of traffic. The area designated as required setbacks shall not be included as part of the required landscaping. Plantings shall be spaced and grouped consistent with accepted nursery standards, and shall not be located in a manner that impedes driver visibility. Specific requirements are as follows:

- At least 20 square feet of landscaped area shall be provided per each parking space.
- Landscaped areas shall contain no less than 100 square feet, and shall be no less than nine feet in average width.
- Trees shall be planted as follows: at least one small deciduous tree for every 100 square feet of landscaped area, or at least one large deciduous tree for every 200 square feet of landscaped area, or some combination thereof.
- At least three shrubs shall be planted per each tree planted.
- All landscaped areas shall be planted with vegetative groundcover or shall be mulched, so that no bare ground exists.
- For double rows of parking spaces, landscaped islands shall be placed such that no row exceeds eight spaces in length. Single rows of parking spaces, separated by a continuous landscaped island, shall be encouraged.

• *Low Impact Development (LID):* Parking lot and perimeter landscaping should utilize LID Integrated Management Practices, IMPs, as part of site design and stormwater management. (EPA 841-B-00-003. Available on the web at <http://www.epa.gov/owow/nps/urban.html>)

• *Beneficial plants:* The following is a partial list of beneficial plants. In general, plantings should be native species, and should be selected for suitability to the Northern Neck as well as to their specific location on site. The following list is adapted from the BayScapes program. It is not an exhaustive list, but provides examples of beneficial species.

- Large trees:
  - Red maple - *Acer rubrum*
  - River birch - *Betula nigra*
  - Red or green ash - *Fraxinus pennsylvanica*
  - Sweet gum - *Liquidambar styraciflua*
  - Tulip tree - *Liriodendron tulipifera*
  - Black gum - *Nyssa sylvatica*
  - White oak - *Quercus alba*
- Small trees/large shrubs:
  - Shadblow serviceberry - *Amelanchier canadensis*
  - Flowering dogwood - *Cornus florida*
  - Witch hazel - *Hamamelis virginiana*
  - Common elder - *Sambucus canadensis*
  - Highbush blueberry - *Vaccinium corymbosum*
  - Southern arrowwood - *Viburnum dentatum*
- Evergreen trees/shrubs:
  - American holly - *Ilex opaca*
  - Winterberry holly - *Ilex verticillata*
  - Northern bayberry - *Myrica pennsylvanica*
  - Common juniper - *Juniperus communis*
  - Eastern red cedar - *Juniperus virginiana*
- Small shrubs:
  - Fothergilla - *Fothergilla gardenii*

- Inkberry holly - Ilex glabra
- Compact Oregon grapeholly - Mahonia aquifolium

#### **§ 148-176. Architecture.**

In order to preserve and enhance community character, architectural design shall in general reflect the traditional forms found on the Northern Neck and Northumberland County, and also shall complement surrounding structures on adjacent parcels. Site plans shall include front, side, and rear building elevation sketches, and shall specify building materials and colors. The following general standard shall also apply:

- No building exterior that is visible from any residential, agricultural, or business district, or from any public right-of-way, shall be constructed of unadorned concrete block or corrugated/sheet metal.
- Mechanical and air conditioning/ventilation units shall be screened from view. Screening materials shall be designed as integral parts of the building architecture.

#### **§ 148-177. Redevelopment.**

In order to promote the orderly retrofit of existing developments that do not conform to the requirements of the HCOD, while encouraging reuse of previously developed properties, the following redevelopment standards shall apply. Given the varying conditions of existing development, some administrative flexibility is required in applying standards to redevelopment. The following standards provide guidelines for use in bringing nonconforming sites as close to conformance as possible. All trip generation shall be based on ITE methods as described herein.

•Access: Reconstruction, relocation, or elimination of access points shall be required under any of the following circumstances. In such cases, necessary improvements shall be identified in consultation with the VDOT Resident Engineer, and shall be designed to bring the site as close to compliance as possible with the access provisions of this ordinance.

- The redevelopment will cause an increase of ten average daily trips (ADT) and 20 percent or more.
- The redevelopment will cause any turning movement to increase by five ADT and 20 percent or more.
- The redevelopment will cause an increase in use by vehicles exceeding 30,000 pounds gross vehicle weight of ten vehicles per day or 20 percent or more.
- Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20 percent of building square footage or totaling 20 percent of current building value.
- As required to address identified safety deficiencies, based on consultation with the VDOT Resident Engineer.

•Traffic impact analysis: A traffic impact analysis shall be submitted for all redevelopment projects in which the proposed use will generate more than 2,000 ADT and increase existing ADT by 50 percent or more.

•Required improvements: Improvements required to support the redevelopment shall be based on consultation with the VDOT Resident Engineer, the Comprehensive Plan, applicable roadway and/or access management plans, required traffic impact analyses, and highway safety and capacity.

•Signs: Reconstruction, relocation, or elimination of freestanding signs shall be required under the following circumstances. Required improvements shall bring on site signage as close to compliance as possible.

- Structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20 percent of building square footage or totaling 20 percent of current building value.
- Any freestanding sign is refaced, remodeled, or otherwise altered.
- Existing signs interfere with required site distances.

•Lighting: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20 percent of building square footage or totaling 20 percent of current building value, all lighting shall be brought into compliance with this ordinance.

•Landscaping: Where structural enlargements, building improvements, or other site improvements are made resulting in an increase of 20 percent of building square footage or totaling 20 percent of current building value, landscaping shall be brought as close to compliance as possible. This shall include appropriate landscaping of existing green space, as well as provision of additional green space to the extent that it does not interfere with traffic flow or required parking. Where additional green space is required, priority shall be given to establishing front yard green space.

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**ARTICLE XVI Special Exceptions****§ 148-~~95~~178. Uses enumerated. [Amended 12-9-1981]**

- A. The following uses are deemed to be of special nature and may be approved or denied as to location and subject to any condition by the governing body, regardless of zoning district:
- (1) Private clubs, fraternal lodges and hunting clubs. **[Amended 7-9-1992]**
  - (2) ~~Public utilities.~~
  - (3) ~~Rooming and boarding houses.~~ Moved to Conditional uses B2, R1, R2 and B1
  - (4) Public or governmental buildings.
  - (5) ~~Public amusements, including theaters.~~ Moved to Conditional uses B1 and B2
  - (6) Bulk oil storage.
  - (7) Gas manufacturing or storage, for heat and illumination.
  - (8) Rifle or pistol range, trap skeet shooting and archery ranges.
  - (9) Sanitary landfill.
  - (10) Public service uses, generating or treatment plants, pumping or regulator stations, electrical substations and transmission lines-commercial communication towers
  - (11) ~~Mobile home, used as a temporary office.~~ Moved to all Districts as Temporary Construction Offices
  - (12) Airports and airstrips.
  - (13) Automobile dismantling, ~~junkyards.~~
  - (14) ~~Junkyards.~~
  - (15) ~~Temporary buildings for use of sales, or rental office for an approved real estate development or subdivision.~~
  - (16) ~~Commercial dog kennels.~~ Moved to Conditional Uses A1 and B2
  - (17) ~~Nonaccessory tents for special purposes.~~ Nonaccessory tents (maximum 2 day event) Permitted Uses: all Districts
  - (18) ~~Public billiard parlors and pool rooms.~~ Moved to Conditional Uses B2 and B1
  - (19) ~~Bowling alleys~~ Moved to Permitted Uses: B2 and B1.
  - (20) ~~Dance halls.~~
  - (21) ~~Marina/boatyard, commercial or private noncommercial or club type.~~ **[Amended 12-14-1989]** Included Boat Storage Facility and moved to Conditional Uses in B2, A1
  - (22) ~~Marine railways.~~ Moved to Conditional Uses in B2
  - (23) ~~Hospitals.~~ Moved to Conditional Uses B3, B1 and B2
  - (24) ~~Hospitals, special care.~~ Moved to Conditional Uses B3, B1 and B2
  - (25) ~~Nursing homes~~ Moved to Conditional Uses B3, B1 and B2.

- (26) ~~Family care homes, foster homes and group homes~~ Moved to Conditional Uses B3, B1 and B2.
- (27) ~~Model home displays for conventional, modular, mobile, doublewide, etc., homes~~ Moved to Conditional Uses B3, B1 and B2.
- (28) ~~Churches.~~ **[Added 7-9-1979]** Listed as Places of Worship, with or without cemeteries. Moved to Permitted uses in R1, R2, and A1
- (29) Planned unit development. **[Added 12-9-1981]**
- (30) Sludge disposal plants and areas, sewage disposal areas, waste treatment facilities, industrial waste and hazardous waste.
- (31) Private schools.
- (32) Mobile/manufactured home parks. **[Added 4-9-1987]**
- (33) Family mobile home parks.
- (34) ~~Recreation camps, campgrounds and travel trailer camps.~~ **[Added 4-9-1987]** Moved to Cinditional Uses in B2
- (35) Boathouses that exceed 18 feet in width, 36 feet in length or 20 feet in height where the adjoining or nearby property owners do not object. ~~Boathouses. Construction of a boathouse is permitted in Residential Waterfront R-2 and Agriculture A-1 Zoning Districts without the need for a special exceptions permit if the boathouse is open-sided, does not exceed 648 square feet, does not exceed 20 feet in height and the adjoining or nearby property owners do not object to the boathouse.~~ **[Added 4-14-1988; amended 9-10-1998; 6-8-2000]**
- (36) Seasonal agricultural housing facility.
- (37) Adult assisted care facility. **[Added 2-12-1998]**
- (38) Ferry/port. **[Added 9-13-2001]**
- (39) ~~Wind turbines.~~ **[Added 3-11-2004]**

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**ARTICLE ~~XIX~~XVII Sign Regulations****§ 148-~~104~~179. Purpose.**

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the County, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display of outdoor advertising.

**§ 148-~~105~~180. Outdoor advertising.**

No person, except a public officer or employee in performance of a public duty, shall paste, post, paint, print, mail, tack, erect, place, maintain or fasten any sign, pennant, outdoor advertising sign, billboard or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

**§ 148-~~106~~181. Exceptions.**

The following shall not be deemed to be included within the definition of "sign":

- A. Signs of a duly-constituted governmental body, including traffic or similar regulatory devices, street names, legal devices or warnings at railroad crossing.
- B. Memorial tablets or signs.
- C. Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding 10 square feet, on any lot or parcel.
- D. Signs which are within a ballpark or other similar private recreational use and which cannot be seen from a public street or adjacent properties.
- E. Flags or emblems of a civic, philanthropic, educational or religious organization, temporary in nature.
- F. Signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephones, freight entrances, no trespassing and posted signs, or the like.
- G. Signs directing traffic on private property but bearing no advertising matter, with a total surface area not exceeding eight square feet per sign on any lot or parcel, and provided that no parts of such signs other than columns and supports shall be located between 3 1/2 and seven feet above-grade.
- H. Signs placed by public utility showing the location of underground facilities.

**§ 148-~~107~~182. Permitted signs.**

Signs will be permitted in various districts as follows:

**A. Conservation District C-1.**

- (1) Business signs. The size for a freestanding sign shall be one square foot per 5 linear

feet of lot frontage, up to a maximum of 32 square feet. The square footage for on-structure signs shall be as follows:

- For wall signs mounted flat on the building: One square foot per linear foot of building frontage, up to a maximum of 100 square feet.
- For projecting signs: One square foot per linear foot of frontage up to a maximum of 12 square feet.

- (2) Church and library bulletin boards and identification signs, with a total surface area not exceeding 32 square feet per sign.
- (3) Directional signs, with a total surface area not exceeding eight square feet per sign.
- (4) Home occupation signs, with a total surface not to exceed eight square feet per sign.
- (5) Temporary signs, with special permission from the Zoning Administrator.

B. Agricultural District A-1.

- (1) Business signs. The size for a freestanding sign shall be one square foot per 5 linear feet of lot frontage, up to a maximum of 32 square feet. The square footage for on-structure signs shall be as follows:
  - For wall signs mounted flat on the building: One square foot per linear foot of building frontage, up to a maximum of 100 square feet.
  - For projecting signs: One square foot per linear foot of frontage up to a maximum of 12 square feet.
- (2) Church and library bulletin boards and identification signs, with a total surface area not exceeding 32 square feet per sign.
- (3) Directional signs, with a total surface area not exceeding eight square feet per sign.
- (4) Home occupation signs, with a total surface not to exceed eight square feet per sign.
- (5) Temporary signs, with special permission from the Zoning Administrator.

C. Residential R-1, ~~and~~ Residential Waterfront R-2, ~~Residential Restricted R-3, Multi-family Dwelling R-4~~ Districts and Planned Unit Development District R-5.

- (1) Business signs, only to advertise the sale or rent of the premises upon which erected, with a total surface area not exceeding 32 square feet per sign.
- (2) Church and library bulletin boards and identification signs, with a total surface area not exceeding ~~40-32~~ square feet per sign.
- (3) Directional signs, with a total surface area not exceeding four square feet per sign.
- ~~(4)~~ Home occupation signs, with a total surface not to exceed four square feet per sign
- ~~(45)~~ Temporary signs, with special permission from the Zoning Administrator.
- ~~(6)~~ Residential subdivisions and multi-family complexes: freestanding monument-type sign that does not exceed six feet in height and 40 square feet in area.

D. Business B-1, and Village Support B-2, Waterfront Village Support B-3 and Industrial M-4 Districts.

- (1) Business signs. The size for a freestanding sign shall be one square foot per 5 linear feet of lot frontage, up to a maximum of 75 square feet, provided that shopping centers or similar uses with five or more establishments shall be permitted up to 120 square feet

of sign area. Monument-type signs that do not exceed six feet in height may be constructed up to 120 square feet regardless of lot frontage. The square footage for on-structure signs shall be as follows:

- For wall signs mounted flat on the building: One square foot per linear foot of building frontage, up to a maximum of 100 square feet.
- For projecting signs: One square foot per linear foot of frontage up to a maximum of 12 square feet.

- (2) Church bulletin boards and identification signs, with a total surface area not exceeding 32 square feet per sign.
- (3) Directional signs, with a total surface area not exceeding eight square feet per sign.
- (4) General advertising signs, see Business Signs or Temporary Signs.
- (5) Home occupation signs, with a total surface not to exceed eight square feet per sign.
- (6) Temporary signs, with special permission from the Zoning Administrator.

#### E Industrial M-1 District

- (1) All types of signs permitted not to exceed 200 square feet in total signage nor 15 feet in height.
- (2) Temporary signs, with special permission from the Zoning Administrator

#### **§ 148-~~108~~183. Setback.**

Signs shall be located 15 feet or more from so as to not extend into or over any street right-of-way, and this shall be known as the "setback line." There shall be excepted from this setback business signs advertising the sale or rent of the premises which may be erected up to the property line. Signs shall not obstruct required highway sight distances.

#### **§ 148-184. Number.**

Residential subdivisions and multi-family complexes (A-1, R-1, R-2, R-3, R-4, R-5 and C-1) : these residential uses shall be permitted one freestanding sign per main entrance, not to exceed 2 signs per development.

Commercial and industrial uses (A-2, B-1, B-2, B-3 and M-1): Each parcel shall be permitted one freestanding sign, provided all other standards are met. In addition, each structure shall be permitted one on-structure sign. For the purposes of this section, a shopping center or similar use shall be permitted one main freestanding sign; no freestanding signs shall be permitted for individual establishments in shopping centers or similar uses.

#### **§ 148-~~109~~185. Height limitations.**

Signs shall not exceed a height of 15 feet above ground level or the street to which it is oriented, whichever is higher, without special permission from the Zoning Administrator.

#### **Rural, Residential and Waterfront Districts, A-1, B-2, B-3, C-1, R-1, R-2, R-3, R-4, R-5**

The maximum height for freestanding signs shall be 5' above grade. Signs may be placed on landscaped berms or structural bases no higher than 3' tall, provided that these support methods contain no wording, logos, or other advertising material. When constructed in this manner, sign height shall be measured from the top of such berm or base. On-structure signs shall not project above the eaves line for buildings with pitched roofs, not above the roofline for buildings with flat roofs, in addition, the top of wall signs shall be placed no higher than 20' above ground, and wall signs shall not extend from the wall more than 12 inches. The top of projecting signs shall not be higher than 15' and the base shall not be lower than 8'. Projecting signs shall not project more than 4' from the wall on which they are mounted.

#### **Commercial and Industrial Districts, B-1, and M-1**

The maximum height for freestanding signs shall be 12'. On-structure signs shall not project above the eaves line for buildings with pitched roofs, not above the roofline for buildings with flat roofs. In addition, the top of wall signs shall be placed no higher than 20' above ground, and wall signs shall not extend from the wall more than 12 inches. The top of projecting signs shall not be higher than 15' and the base shall not be lower than 8'. Projecting signs shall not project more than 4' from the wall on which they are mounted.

#### **§ 148-186. Construction and Landscaping**

##### **Rural, Residential and Waterfront Districts, A-1, B-2, B-3, C-1, R-1, R-2, R-3, R-4, R-5**

Freestanding signs shall be ground mounted, monument type structures. No pole or pylon signs shall be permitted. Signs shall be designed and constructed to complement the architecture of the building to which the sign refers. Landscaping shall be integrated with the installation of freestanding signs, and the landscaped area around the base of the freestanding sign shall be not less than 100 square feet.

##### **Commercial and Industrial Districts, B-1, and M-1**

Freestanding signs shall be ground mounted, monument type structures or shall be mounted on poles designed to complement building architecture. Signs shall be designed and constructed to complement the architecture of the building to which the sign refers. Landscaping shall be integrated with the installation of freestanding signs provided highway sight distances and pedestrian access can be maintained.

#### **§ 148-187. Illumination**

Signs shall comply with the lighting requirements provided herein. Signs shall not have reflective backgrounds but may use reflective lettering. Digital or electronically controlled message components shall comprise no more than 50% of the sign area. No flashing or scrolling text shall be permitted and, with the exception of the date and time, no message shall be displayed for an interval of less than 30 seconds. Freestanding signs may be illuminated internally. When illuminated externally the light source must be shielded and directed solely at the sign (one source per sign face).

#### **§ 148-188. Measurement of Sign Area**

Sign area shall include the entire face of the sign (one side only). Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the smallest rectangle that can encompass the letters or the sign face. Space for changeable copy (including fuel prices or similar displays) shall be included in the area of the sign. Where a sign has two or more faces, or panels, the area of all faces or panels, shall be included in determining the area of the sign, except that where two such faces are placed back-to-back or at 45 degrees interior angle, or less.

### **§ 148-189. Redevelopment**

Reconstruction, relocation, or elimination of freestanding signs shall be required under the following circumstances. Required improvements shall bring on-site signage as close to compliance as possible.

1. Structural enlargements, building improvements, or other site improvements are made resulting in an increase of at least 20% of building square footage or totaling at least 20% of current building value.
2. Any freestanding sign is replaced, refaced, remodeled or otherwise altered.
3. Existing signs interfere with required highway site distances.

### **§ 148-~~140~~190. Additional restrictions.**

No sign shall be erected, maintained or operated:

- A. Except for authorized traffic signs, no sign shall be erected at the intersection of any street in such a manner as to create a traffic hazard by obstructing vision between heights of 2 1/2 and eight feet; or at any location where it may interfere with, obstruct the view of or be confused with any authorized traffic sign.
- B. Which imitates or resembles any official traffic sign, signal or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway.
- C. Which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a street or highway and which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.
- D. Which advertises any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.
- E. Which is obsolete or inconsistent with state law or the provisions of this chapter.

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**ARTICLE ~~XIV~~ XVIII Additional Regulations****§ 148-~~143~~191. Widening of highways and streets.**

Whenever there shall be plans in existence, approved by either the State Department of Transportation or by the governing body, for the widening of any street or highway, the Commission may require additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way for such proposed street or highway widening.

**§ 148-~~144~~192. Minimum off-street parking.**

There shall be provided, at the time of erection of any building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard-sized automobiles, as follows:

- A. In all districts where residential uses are permitted, there shall be provided, either in private garage or on the lot, space for the parking of two automobiles for each dwelling unit in a new building or each dwelling unit added in the case of the enlargement of an existing building.
- B. For churches, high schools, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every five fixed seats provided in said building.
- C. For hospitals, at least one parking space for each two beds' capacity, including infants' cribs and children's beds.
- D. For medical and dental offices, at least 10 parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist in such offices in excess of three doctors or dentists.
- E. For fraternal lodges, hunting clubs, golf courses, yacht clubs, country clubs and marinas, at least 25 parking spaces shall be provided. Additional parking may be required by the governing body.
- F. For retail stores selling directly to the public, one parking space for each 200 square feet of retail floor space in the building.
- G. Parking spaces for post offices, one for each 50 box holders but not less than 10 spaces.
- H. Restaurants, one parking space per table or booth, plus six for employees.
- I. For motels, hotels, tourist homes and boardinghouses, one parking space per guest room plus adequate parking for employees as determined by the Zoning Administrator.
- J. Any other commercial building not listed above hereafter erected, converted or structurally altered shall provide one parking space for each 100 square feet of business floor space in the building.
- K. For industrial plants, one parking space for each employee working in the plant.
- L. Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as 600 feet. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete. It shall have appropriate guards where needed as determined by the Zoning Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect lights away from adjoining premises in a residential **district** as required by § 148-116. Lighting-
- M. Parking requirements shall at no time be considered sufficient for any other use of the premises, and additional spaces shall be provided to meet requirements when there is any change to a different industrial use or to a commercial use.

**§ 148-~~445~~193. Airport/airstrip approach zone.**

- A. The Commission shall determine whether there exists any areas which would come under the United States Federal Aviation Agency's criteria for determining obstruction to air navigation. If such an area exists, it shall be marked on the Zoning Map in the office of the Zoning Administrator.
- B. Places of public assembly, such as schools, hospitals, churches, apartment houses, theaters, community centers and nursing homes, shall not be erected or otherwise located in an area which would be classified as an airport/airstrip approach zone. This zone contains an area of 11,000 feet from the end of any runway. For airports accommodating commercial jet aircrafts, the zone extends out 3 1/2 miles from the end of any runway.
- C. The Zoning Administrator shall consult with the United States Federal Aviation ~~Agency~~ Administration and prepare such height and other regulations governing the construction of buildings within the airport/airstrip approach zone. Following approval by the governing body, the Zoning Administrator shall enforce these regulations.

**§ 148-~~446~~194. Lighting.**

~~Any provision for lighting exterior spaces for any use shall be so arranged as to reflect the light away from adjoining residences.~~

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. Site plans shall include a lighting plan, drawn to 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 properties. The intensity at adjoining streets or residential properties shall not exceed 0.5 foot candles.
- B. Site lighting other than that needed for security purposes shall be set on a timer system that shuts off all but security lighting by 11:00 pm
- C. Lighting fixtures shall comply with the shielding requirements in the table below. Excepted from these requirements are roadway and airport lighting, lighting activated by motion sensor devices, temporary circus, fair, carnival, or civic uses, construction or emergency lighting, temporary lighting, and lighting associated with agricultural pursuits. For the purpose of this ordinance, 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.

<b>Table of Shielding Requirements</b>	
<b>Fixture Lamp Type</b>	<b>Shielding Requirement</b>
<u>Low/High Pressure Sodium, Mercury Vapor</u>	<u>Fully Shielded</u>
<u>Metal Halide and Fluorescent, Over 50 Watts</u>	<u>Fully Shielded</u>
<u>Incandescent over 160 Watts</u>	<u>Fully Shielded</u>
<u>Incandescent 160 Watts or less</u>	<u>None Required</u>
<u>Any light source of 50 Watts or less</u>	<u>None Required</u>

**§ 148-~~147~~195. Environmental protection.**

- A. Erosion and sediment control. All proposed land uses and construction shall be undertaken in compliance with the Erosion and Sediment Control Handbook for Northumberland County. *Editor's Note: See Ch. 64, Erosion and Sediment Control.*
- B. Reclamation of land. Any applicant proposing a use which will tend to degrade the land shall submit and implement a plan for reclamation of said land, to be approved by the Zoning Administrator.
- C. Pollution. Any discharge of material or waste into the air, water or land must be in compliance with state regulations, and the applicant must file a statement with the Zoning Administrator as to the location and nature of the discharge and the agencies which have been notified.

**§ 148-~~148~~196. Screening.**

At the discretion of the Zoning Administrator, the following uses shall be screened from public view and adjacent residential properties in a manner to be approved by the Zoning Administrator:

- A. Sawmills.
- B. Mobile home parks.
- C. Veterinary, dog or cat hospital, with runways.
- D. Sand and gravel pits.
- E. Commercial feed lots.
- F. Livestock markets.
- G. Contractors' equipment storage yards.
- H. Storage buildings and warehouses.
- I. Asphalt or concrete batching plants.
- J. Concrete works.
- K. Truck and motor freight terminals.

L Shipping containers

M Multi-family dwellings or dwelling clusters

N Parking lots

**§ 148-~~149~~197. Fencing.**

At the discretion of the Zoning Administrator, the following uses shall have adequate fencing, to be approved by the Zoning Administrator:

- A. Farming with livestock.
- B. Veterinary, dog or cat hospitals, with runways.

- C. Sand and gravel pits.
- D. Commercial feed lots.
- E. Lumber and building supplies.
- F. Machinery sales and services.
- G. Contractor equipment storage yards.
- H. Asphalt or concrete batching plants.
- I. Concrete works.
- J. Swimming or tennis clubs, commercial.
- K. Swimming pools, private.

**§ 148-~~120~~198. Additional setbacks.**

In addition to setbacks required in other sections of this chapter, the following uses shall require the additional setback as specified:

- A. Recreation camps, campgrounds and travel trailer camps: 25 feet.
- B. Marinas, commercial or club-type: 25 feet.
- C. Marinas, private, noncommercial: 25 feet.
- D. Seafood processing: 50 feet.
- E. Sawmills and wood chipping/grinding facility: 100 feet. **[Amended 11-14-2002]**
- F. Light industry: 25 feet.
- G. Portable sawmills: 100 feet.
- H. Food processing and canning: 50 feet.
- I. Sand and gravel pits: 50 feet.
- J. Commercial feed lots: 100 feet.
- K. Livestock markets: 100 feet.
- L. Contractors' equipment storage yard: 25 feet.
- M. Storage warehouse: 25 feet.
- N. Asphalt or concrete batching plant: 50 feet.
- O. Boat building: 50 feet.
- P. Concrete works: 50 feet.
- Q. Flour mill and grain milling: 25 feet.

**§ 148-~~124~~199. Additional side yards.**

In addition to side yards required in other sections of this chapter, the following uses shall require the additional side yards as specified:

- A. Recreation camps, campgrounds and travel trailer camps: 25 feet.
- B. Marinas, commercial or club-type: 25 feet.
- C. Marinas, private, noncommercial: 25 feet.
- D. Seafood processing: 25 feet.
- E. Sawmills and wood chipping/grinding facility: 50 feet. **[Amended 11-14-2002]**
- F. Light industry: 25 feet.
- G. Portable sawmills: 50 feet.
- H. Food processing and canning: 25 feet.
- I. Sand and gravel pits: 50 feet.
- J. Commercial feed lots: 50 feet.
- K. Livestock markets: 50 feet.
- L. Contractor equipment storage yard: 25 feet.
- M. Storage warehouse: 10 feet.
- N. Asphalt or concrete batching plant: 25 feet.
- O. Boat building: 25 feet.
- P. Concrete works: 25 feet.
- Q. Flour mills and grain milling: 25 feet.

**§ 148-~~122200~~. Piers.**

- A. Private noncommercial piers shall be located no less than 10 feet from the property line unless two adjacent property owners construct one pier that is on the property line. **[Amended 4-14-1988; 12-13-1990]**
- B. Commercial piers and piers associated with marinas shall be located no less than 10 feet from the side property line and, if permitted by the governing body, may be covered.

**§ 148-~~123201~~. Boathouses. [Added 4-13-1989; amended 7-14-1994; 5-11-1995]**

- A. Boathouses shall meet the following criteria:
  - (1) Boathouses shall not exceed 20 feet in height, 18 feet in width and 36 feet in length, unless in the opinion of the Board of Supervisors the physical features of the site, such as the property owner's length of shoreline, the elevation of the bank, the type of other structures in the area, etc., are such that a boathouse of a larger dimension would not be out of conformity with the surrounding area. In addition, two adjacent property owners may construct one boathouse that is on the property line which cannot exceed 36 feet by 36 feet by 20 feet in height. Boathouses' lengths and widths are measured from the support pilings, and the height is measured from the top of the roof ridge to mean low water.
  - (2) The minimum length of the applicant's shoreline shall not be less than 100 feet (measured in a straight line from the intersection of the side property line with the mean low waterline), and the pier and boathouse shall not be located less than 25 feet from the side property line.

- (3) The leaseholder of any oyster ground encroached upon by the proposed boathouse must be notified, as well as all the adjacent property owners, including owners across the waterway, if the waterway is less than 500 feet in width.
  - (4) The boathouse shall be in the most suitable location from surrounding properties, and any adverse impacts to adjoining properties, whether abutting or nearby, shall be minimal.
- B. Other conditions and restrictions that will be considered.
- (1) A dwelling, as defined within this chapter, must be completed prior to construction of the boathouse.
  - (2) All exposed materials shall be painted, stained or salt treated. Treated materials are required for all wood members contacting the water.
  - (3) All roofs shall have an "A" pitch of no less than four on 12, with eaves and soffits not exceeding 18 inches in width.
  - (4) Except for the support pilings, top plates or headers, all sides of the boathouse will be open, with an obstructed view from the waterline to the bottom of the top plate or support header.
  - (5) A fire extinguisher must be located within the boathouse, accessible from the pier.

**§ 148-~~124~~202. Mobile/manufactured homes. [Amended 2-14-1989; 11-8-1990]**

- A. No individual mobile/manufactured home shall be located or relocated within Northumberland County until a building permit is granted. No building permit shall be granted for residential use of a mobile/manufactured home in Northumberland County until an approved water well and septic tank disposal system has been installed and certified operational by the County Sanitarian, Virginia Department of Health.
- B. Once all requirements have been met regarding the placement of a mobile home within Northumberland County, except for the installation of a water and septic disposal system, the Building Official shall provide to the applicant a conditional certificate, which shall guarantee the issuance of a building permit when the approved water well and septic tank disposal system has been installed and certified operational by the County Sanitarian, Virginia Department of Health.
- C. Mobile/manufactured home parks must meet the following requirements:
- (1) The mobile/manufactured home park (MHP) is designed so that it will be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the character of the area or be detrimental to existing properties.
  - (2) The MHP must meet all sanitary requirements of the State Health Department and provide a central water system.
  - (3) The minimum size of the MHP is 10 acres. The maximum density of a MHP shall not exceed a total of three manufactured homes per gross acre. Each manufactured home within the park shall be placed on an individual lot that shall contain a minimum of 10,890 square feet. Each lot shall have a minimum width of 75 feet.
  - (4) At least 10% of the MHP shall be reserved for recreational and open uses. This area may include areas within buildings designed for recreational use. The yard requirements for individual lots within the MHP shall not be included as part of this requirement.
  - (5) A fifty-foot evergreen vegetated buffer shall be maintained from all adjacent roads, and a twenty-five-foot evergreen vegetated buffer shall be maintained from all adjacent properties. The vegetated buffer shall be a minimum of six feet in height with no openings other than the required entrances and exits to streets or public spaces.

- (5) A fifty-foot evergreen vegetated buffer shall be maintained from all adjacent roads, and a twenty-five-foot evergreen vegetated buffer shall be maintained from all adjacent properties. The vegetated buffer shall be a minimum of six feet in height with no openings other than the required entrances and exits to streets or public spaces.
  - (6) Each home shall be so placed on its lot that no part of said home shall be closer than 50 feet to any other home, 50 feet to any service building and 75 feet to any boundary property line of the MHP.
  - (7) No home space shall be designed for direct access to a street outside the boundaries of the park. All interior access rights-of-way shall be at least 50 feet in width, and an all-weather maintained road at least 20 feet in width shall be constructed. All dead-end streets shall have a cul-de-sac which is not less than 100 feet in diameter.
  - (8) The MHP shall provide for a central location for the collection and removal of trash.
  - (9) Individual sites cannot be sold or transferred, and all utilities must be underground.
  - (10) Every park site shall have a minimum of two parking spaces per unit at a width of 15 feet per parking space.
- D. Requirements for temporary storage of mobile/manufactured homes in various districts. **[Added 3-13-2003]**
- (1) Approval to store a mobile/manufactured home must be obtained from the Zoning Administrator;
  - (2) Only one mobile/manufactured home shall be stored on a given lot;
  - (3) Storage of a mobile/manufactured home shall not exceed six months. If storage needs exceed six months, approval must be obtained from the governing body;
  - (4) There shall be no occupancy of the mobile/manufactured home during the storage period.

**§ 148-~~125~~203. Hunt clubs. [Added 7-9-1992]**

Hunt clubs shall meet the following requirements:

- A. No hunt club shall operate within Northumberland County until a special exceptions permit has been issued.
- B. The roster of all members of any hunt club must be submitted annually prior to a date established by the Zoning Administrator.
- C. The hunt club shall have a water sewerage disposal system for the submitted roster approved by the Northumberland County Health Department.
- D. There shall be a vegetated buffer of 200 feet from adjoining residences and 100 feet from all other property lines, with no activities within these buffer areas. A landscape plan may be required by the Zoning Administrator.
- E. Three off-street parking spaces shall be provided for every four members of the organization.
- F. No animals shall be kept on the property unless supervised daily and permitted by the Board of Supervisors.
- G. The hunt club shall be free of all trash and debris.
- H. All exterior or outdoor lighting shall be so arranged as to reflect light away from adjoining

properties. Hours of outdoor lighting shall be determined by the Board of Supervisors.

- I. Any discharging of firearms on the site is prohibited unless specifically permitted by the Board of Supervisors.

**§ 148-~~126~~204. (Reserved)** Editor's Note: Former § 148-126, Sludge and sludge storage facilities, was repealed 2-19-2004. See now Ch. 39, Biosolids.

**ARTICLE ~~XI~~XIX Intensive Agricultural Livestock Operation [Added 4-11-1996]****§ 148-~~96~~205. Purpose.**

It is the intent of this article to provide for the continued security of Northumberland County's agricultural sector by encouraging the orderly and responsible growth of its livestock industry, including dairy, beef, swine, horses, sheep, goats, poultry or other similar animals.

**§ 148-~~97~~206. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DWELLING, EXISTING**

- A. A dwelling which is legally occupied on the date an application for an intensive agricultural livestock operation permit is officially filed in the office of the Zoning Administrator; or
- B. A dwelling for which a building permit has been issued on the date an application for an intensive agricultural livestock operation is officially filed in the office of the Zoning Administrator.
- C. A dwelling which has been legally occupied for a cumulative period of 36 months within the previous 60 months on the date an application for an intensive agricultural livestock operation is officially filed in the office of the Zoning Administrator.

**EXISTING INTENSIVE LIVESTOCK OPERATION** — An existing intensive livestock farming operation is one that is already in operation on or before April 11, 1996.

**INTENSIVE LIVESTOCK FARMING FACILITY** — A facility (as used in this chapter) with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites, disposal pits and/or cold storage chests, used in an intensive livestock farming operation.

**INTENSIVE LIVESTOCK FARMING OPERATION**

- A. An operation, including any enclosures, pens, feed lots, buildings or group of buildings, used to feed, confine, maintain or stable the following animal types, or a combination of animal types, at any one time:
  - (1) Three hundred slaughter and feeder cattle.
  - (2) Two hundred mature dairy cattle.
  - (3) Seven hundred fifty swine.
  - (4) One hundred fifty horses.
  - (5) Three thousand sheep and lambs, goats or similar animals.
  - (6) Sixteen thousand five hundred turkeys.
  - (7) Thirty thousand laying hens or broilers.
- B. Any combination of the categories set forth above shall be calculated proportionately by reference to this table to determine the equivalent number of animal units in such combination.

INTENSIVE LIVESTOCK FARMING OPERATOR — The owner of the livestock facility or the land on which the facility is located.

PARCEL — A measured portion of land separated from other portions of land as described by metes and bounds, or described as a separate, discrete tract in an instrument of conveyance or devise and recorded in the office of the Clerk of the Circuit Court of Northumberland County.

**§ 148-~~98~~207. Minimum acreage requirements.**

The minimum acreage requirements for an intensive agricultural livestock operation shall be as follows, provided that all other requirements of this article are met:

- A. Seventy-five acres for slaughter or feeder cattle, dairy cows, swine, horses, sheep, lambs, goats or other similar animals.
- B. Twenty-five acres for turkeys, layers or other similar animals.
- C. All parcels of land which comprise the operation and used in the nutrient management plan need not be contiguous.
- D. Parcels with intensive agricultural livestock operations in operation as of the effective date of this article which do not contain sufficient acreage, as required above, shall be considered nonconforming and shall be regulated through Article XV.

**§ 148-~~99~~208. Setbacks.**

The setback for an intensive agricultural livestock operation from all existing dwellings not owned by the operator, or by a member of the immediate family of the operator, shall be as follows:

- A. From an existing dwelling in the Agricultural A-1 District, the setback shall be 300 feet.
- B. From an existing dwelling in an adjacent zoning district, the setback shall be 600 feet.
- C. The operator may reduce the above setback of 600 feet to 400 feet if he or she plants a ten-foot-wide vegetative screen that will grow to at least 6 feet in height in two years unless there is a natural barrier that meets the height and width requirements.
- D. The setback for an intensive agricultural operation from property lines shall be at least 300 feet.
- E. The setback for an intensive agricultural livestock operation from public roads shall be at least 300 feet.
- F. All intensive agricultural livestock operations shall be set back at least 2,640 feet from incorporated towns.
- G. All intensive agricultural livestock operations shall be set back at least 1,000 feet from platted residential subdivisions, manufactured home parks, public schools, places of worship, public recreation areas and public or private wells and public or private water intakes.
- H. The operator may reduce the above setback of 1,000 feet to 800 feet if he or she plants a ten-foot-wide vegetative screen that will grow to at least 6 feet in height in two years unless there is a natural barrier that meets the height and width requirements.

**§ 148-~~100~~209. Application requirements.**

Applications for an intensive agricultural livestock operation permit shall contain the following items:

- A. One copy of an application on forms provided by Northumberland County, completed and signed by the operator or potential operator.
- B. Three copies of a development plan prepared in accordance with the requirements of Article XV, Nonconforming Uses, § 148-127C, of this chapter. In addition to the requirements, the development plan shall indicate the number, size and location of the livestock facilities proposed for the subject parcel.
- C. Setbacks.
  - (1) Three copies of a plat prepared and signed by a land surveyor or civil engineer, licensed by the Commonwealth of Virginia, certifying that the proposed facility meets all applicable setbacks required by this chapter and showing the direction and distances to the following:
    - (a) Nearest residential dwellings.
    - (b) Adjacent zoning districts.
    - (c) Designated residential zoning districts.
    - (d) Manufactured home parks.
    - (e) Places of worship.
    - (f) Public schools.
    - (g) Public recreation areas.
    - (h) Public wells and water intakes.
    - (i) Marinas.
    - (j) Resource Protection Areas.
  - (2) Any setbacks in excess of 400 feet may be scaled off of aerial photography or other methods acceptable to the Zoning Administrator.
- D. Four copies of a nutrient management plan which provides for the safe use or disposal of all animal waste and manure produced by each facility.
  - (1) Disposal or use shall be accomplished by means of land application at approved locations and agronomic rates, as established by the Northern Neck Soil and Water Conservation District, its successor and other appropriate agencies. Alternative methods of disposal may be used as approved by appropriate state and local agencies. The nutrient management plan shall take the following into consideration:
    - (a) Proximity to water bodies.
    - (b) Public and private wells.
    - (c) Springs and sinkholes.
    - (d) Soils, slopes and other geological features with a potential susceptibility to ground or surface water pollution.
    - (e) Wetlands.
    - (f) Chesapeake Bay Preservation Areas. *Editor's Note: See Ch. 54, Chesapeake Bay Preservation Area.*
    - (g) Other environmentally sensitive features.
  - (2) The nutrient management plan shall also provide for a site, with or without a permanent structure, for the storage of animal wastes and shall:

- (a) Be located on the same parcel as the facility to which it is an accessory use;
  - (b) Meet the setback requirements of this article;
  - (c) Be protected from the elements; and
  - (d) Meet standards set by the Natural Resource Conservation Service and approved by the Northern Neck Soil and Water Conservation District or its successor.
- (3) Notwithstanding the requirement set forth in Subsection D(2)(a) above, if an operator is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the Northern Neck Soil and Water Conservation District or other appropriate agency, may permit the storage site to be located on adjacent land owned by the operator; or, if a valid agreement of off-site disposal exists as provided in Subsection D(4) below, the Zoning Administrator may permit the storage site to be located on a parcel specified in the agreement for off-site disposal.
- (4) If off-site disposal is proposed, the operator shall provide, as part of the nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the grower's facility. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The grower shall notify the Zoning Administrator whenever such an agreement is terminated before its stated expiration date within 15 days of such termination.
- (5) Nutrient management plans shall be subject to review and approval by the Northern Neck Soil and Water Conservation District or other appropriate agency. Thereafter, nutrient management plans shall be reviewed and updated every five years by an agent of the Northern Neck Soil and Water Conservation District or other appropriate agency and by the Zoning Administrator. Such revisions may be required more frequently if deemed necessary or advisable by the Northern Neck Soil and Water Conservation District or other appropriate agency.

**§ 148-~~101210~~. Review and approval.**

- A. The Zoning Administrator shall have 45 days from the date an application is officially filed to review and approve or deny an application. If the application is approved, one approved copy, signed by the Zoning Administrator, shall be provided to the applicant, the Northern Neck Soil and Water Conservation District or other appropriate agency. One approved copy shall be retained by the County.
- B. If the submission does not meet the requirements of this chapter, the Zoning Administrator shall return the application materials to the person who submitted them, together with a written description of the deficiencies in the application. Upon the correction of deficiencies noted by the Zoning Administrator, the application may be resubmitted and reviewed in accordance with Subsection A above.

**§ 148-~~102211~~. Validity of development plans.**

- A. The development plan shall remain valid, provided that the proposed facilities are constructed in accordance with the approved development plan and are placed in service in a timely manner and that the minimum number of animals, as listed in the "Intensive Livestock Farming Operation" definition, are located at the site within five years of the date of approval of the development plan

for the subject parcel.

- B. The operator shall notify the Zoning Administrator, in writing, within 30 days of placement into service of any facilities indicated in his or her development plan.
- C. In the event that an operator fails to build or have in place the minimum required in Subsection A above, the Zoning Administrator shall revoke the development plan, and all future development plans of facilities on the subject parcel shall strictly conform to the requirements of this article.
- D. When such development plans have been approved and filed with the Zoning Administrator, and during the period in which it remains in effect, the planned facilities shall be required to meet setbacks only from those dwellings and uses existing at the time the development plan is approved.

**§ 148-~~103~~212. Effect of regulations on existing operations.**

- A. Replacement or reconfiguration of intensive agricultural livestock operation in operation as of the effective date of this article but which do not meet the requirements of this chapter may be permitted, provided that:
  - (1) Such facilities were properly permitted under previous zoning regulations.
  - (2) There is no increase in the square footage devoted to the livestock operation on the parcel and no increase in the number of livestock kept on the parcel houses kept on the parcel at any one time.
  - (3) Replacement facilities do not encroach upon any setbacks required under this chapter to a greater extent than the facilities being replaced.
  - (4) A development plan is obtained.
  - (5) A nutrient management plan is obtained.
- B. Existing facilities approved by the County prior to the effective date of this article shall have a nutrient management plan on file with the Zoning Administrator not later than two years from the effective date of this article or at such time as an additional area devoted to livestock raising, including housing, litter storage, manure storage, disposal of dead birds or other activity which would increase nutrient output of the facility, is placed into service on the same parcel, whichever shall occur first. After two years from the effective date of this article, no facility subject to this article shall operate without such a nutrient management plan.
- C. Notwithstanding the provisions of this section, an operator whose facilities were approved by the County and in operation prior to the effective date of this article, in attempting to comply with the requirement to provide a litter storage site within two years for the adoption of this article, may locate an animal waste storage site within any setback otherwise required in this article upon satisfaction that the storage site will not encroach upon setbacks to a greater extent than the existing facility.

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**ARTICLE ~~XV~~~~XX~~ Nonconforming Uses****§ 148-~~427~~213. Continuation of existing use.**

- A. If at the time of enactment or revision of this chapter or any section thereof, any legal activity is being pursued or any lot or structure legally utilized in a manner or for a purpose which does not conform to the revised provisions of this chapter, such manner of use or purpose may be continued as herein provided.
- B. If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- C. If any nonconforming use (structure or activity) is discontinued for a period exceeding two years, after the enactment of this chapter, it shall be deemed abandoned; any subsequent use shall conform to the requirements of this chapter. For the purpose of this section, such seasonal and temporary uses as crab houses, oyster houses, oyster shucking houses, sawmills and food processing activity shall be exempted.
- D. Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such existing use may only be changed to any even more limited use.
- E. Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of this chapter are excluded.

**§ 148-~~428~~214. Permits.** Editor's Note: Former Section 12-2-1, pertaining to timeframe for issuance of zoning permits and certificates of zoning compliance, which immediately followed, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The construction or use of a nonconforming building for which a building permit was issued legally prior to the adoption of this chapter may proceed, provided that such building is completed within one year after the effective date of this chapter.

**§ 148-~~429~~215. Repairs and maintenance.**

Work may be done on any building devoted in whole or in part to any nonconforming use in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10% of the current replacement value of the structure, provided that the cubic content of the structure as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared unsafe by an official charged with protecting the public safety upon order to such official.

**§ 148-~~430~~216. Changes in district boundaries.**

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this chapter.

**§ 148-~~434~~217. Expansion or enlargement.**

The expansion or enlargement of a nonconforming structure existing, or of a nonconforming activity being carried on, on a lot, on the effective date of this chapter, is permitted, provided that such expansion or enlargement is in accordance with the setback, yard, height and other provisions of this chapter relating to the zoning district in which the lot is located.

**§ 148-~~132218~~. Nonconforming unimproved lots.**

- A. Notwithstanding any other provision of this chapter, any unimproved lot legally of record in this County on September 1, 1974, the effective date of this chapter, may be used for residential purposes if the buildings to be constructed on the same shall be placed so as to meet the setback side and rear yard lines established by this chapter or other legal act of the governing body, and subject to approval of the Health Official.
- B. Where any such unimproved lot cannot meet the setback, side and rear yard lines herein established, the Board of Zoning Appeals may consider each lot on an individual basis and may grant such variance as may be required to permit the use of such lot for residential purposes, subject to approval of the Health Official.
- C. Nonconforming unimproved corner lots located in subdivisions established prior to the enactment of this chapter are exempted from the requirement that the side yard on the side facing the street be 35 feet or more for both main and accessory buildings and instead are allowed a minimum of 10 feet. **[Added 7-9-1979]**

**§ 148-~~133219~~. Nonconforming junkyards.**

Automobile graveyards and junkyards in existence at the time of the adoption of this chapter are to be considered as nonconforming uses. They shall ~~be allowed up to three years after the adoption of this chapter in which to~~ completely screen, on any side open to view from a public road or adjacent property, the operation or use by a masonry wall, a uniformly painted solid board fence or ~~an a dense~~ evergreen hedge at least six feet in height.

**§ 148-~~134220~~. Restoration or replacement.**

- A. If a nonconforming activity or structure is damaged in any manner, reconstruction of said activity or structure is permitted, provided that the reconstructed activity or structure is no more nonconforming than the original with regard to provisions contained in this chapter.
- B. If a nonconforming activity or structure is 100% destroyed, such activity or structure shall not be reconstructed except in full compliance with this chapter.
- C. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

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**ARTICLE ~~XVI~~XXI Permits and Certificates****§ 148-~~435221~~. Zoning permits.**

- A. Land shall be used or occupied and buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the Zoning Administrator.
- B. The Commission may request a review of the zoning permit approved by the Zoning Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.
- C. Each application for a zoning permit shall be accompanied by three copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Zoning Administrator may deem necessary for consideration of the application may be required. In addition, the applicant must produce proof that the structure or use has been approved by all authorities having jurisdiction, including but not limited to the Highway Department, the Health Department and the Wetlands Commission.
- D. Where a zoning permit is required within a Chesapeake Bay Preservation Area, all development and redevelopment, as defined in Chapter 54, Chesapeake Bay Preservation Area, § 54-6, Definitions, shall comply with Chapter 54. **[Amended 9-20-1990]**

**§ 148-~~436222~~. Certificate of Zoning compliance.**

At the discretion of the Zoning Administrator, land may be used or occupied or buildings may be used or occupied only after a certificate of zoning compliance has been issued by the Zoning Administrator and/or the County Building Inspector. Such a certificate shall state that the building or the proposed activity or the use of the land complies with the provisions of this chapter.

**§ 148-~~437223~~. Conditional use permit. [Amended 7-9-1998]**

- A. Where permitted by this chapter, in addition to the zoning permit and certificate of zoning compliance, a conditional use permit is required. These permits may be approved or denied by the governing body and shall be subject to such conditions as the governing body deems necessary to carry out the intent of this chapter. The governing body may delegate to the Planning Commission the authority to set conditions.
- B. In determining conditions to be imposed, the governing body shall take into consideration the intent of this chapter and may impose reasonable conditions that:
  - (1) Abate or restrict noise, smoke, dust or other elements that may affect surrounding property.
  - (2) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
  - (3) Provide for adequate parking and ingress and egress to public streets or roads.
  - (4) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to the adjoining property.
  - (5) Tend to prevent such use from changing the character and established pattern of development of the community.

- C. Unless as otherwise specified by the governing body, a conditional use permit shall be issued for a period not to exceed one year. If the permittee has not completed the approved request within the stated time period, extensions may or may not be granted by the governing body.

**§ 148-~~138~~224. Special exceptions permit. [Amended 7-9-1998]**

- A. Where permitted by this chapter, the location of permitted special exception uses shall require, in addition to the zoning permit and certificate of zoning compliance, a special exceptions permit issued by the governing body. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this chapter.
- B. Unless as otherwise specified by the governing body, a special exceptions permit shall be issued for a period not to exceed one year. If the permittee has not completed the approved request within the stated time period, extensions may or may not be granted by the governing body.

**§ 148-~~139~~225. Construction and use to be in compliance. [Amended 7-9-1998]**

Building permits, zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approval plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authority shall be deemed a violation of this chapter and punishable as provided by § 148-149 hereof.

**§ 148-~~140~~226. Uses not provided for.**

If in any district established under this chapter a use is not specifically permitted and an application is made by a property owner to the Zoning Administrator for such use, the Zoning Administrator shall refer the application to the Commission, which shall make its recommendations to the governing body within 30 days. If the recommendation of the Commission is approved by the governing body, this chapter shall be amended to list the use as a permitted use in that district, henceforth, and both the Commission and the governing body shall hold a public hearing after advertising in accordance with § 15.2-2204 of the Code of Virginia.

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**ARTICLE ~~XVII~~XXII Provisions for Appeal****§ 148-~~141227~~. Board of Zoning Appeals.**

- A. A board (hereafter called the "Board") consisting of five members shall be appointed by the Circuit Court. Members of the Board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- B. The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years and one for one year. One of the five appointed members shall be an active member of the Commission.
- C. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has a legal interest.
- D. The Board shall choose annually its own Chairperson and Vice Chairperson, who shall act in the absence of the Chairperson.

**§ 148-~~142228~~. Powers and duties.** *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

The Board of Zoning Appeals shall have the following powers and duties:

- A. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto.
- B. To authorize upon appeal or original application in specific cases such variance, as defined in § 15.2-2202, from the terms of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of this chapter shall be observed and substantial justice done, as follows:
  - (1) When a property owner can show that his or her property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the condition, situation or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the utilization of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.
  - (2) No such variance shall be authorized by the Board unless it finds:
    - (a) That the strict application of this chapter would produce undue hardship.
    - (b) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
    - (c) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of

the variance.

- (3) No such variance shall be authorized except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
  - (4) No variance shall be authorized unless the Board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
  - (5) In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with.
- C. To hear and decide appeals from the decision of the Zoning Administrator. No such appeal shall be heard except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
  - D. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by § 15.2-2204, the Board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
  - E. No provision of this section shall be construed as granting any board the power to rezone property.
  - F. To hear and decide applications for special exceptions as may be authorized in this chapter. The Board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with. No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
  - G. To revoke a special exception if the Board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.

**§ 148-~~143229~~. Rules and regulations.**

- A. The Board shall adopt such rules and regulations as it may consider necessary.
- B. Meetings of the Board shall be held at the call of its Chairperson or at such times as a majority of the Board may determine.
- C. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses.
- D. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- E. All meetings of the Board shall be open to the public.
- F. A quorum shall be at least three members.
- G. A favorable vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant or any matter upon which the Board is required to pass.

**§ 148-~~144230~~. Appeal to the Board.**

- A. An appeal to the Board may be taken by any person aggrieved or by any office, department, board or bureau of the County of any municipality therein affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
- C. In no event shall a written order, requirement, decision or determination made by the Zoning Administrator or other administrative officer be subject to change, modification or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination, where the person aggrieved has materially changed his or her position in good faith reliance on the action of the Zoning Administrator or other administrative officer, unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The sixty-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors. **[Added 8-13-1998]**

**§ 148-~~145231~~. Appeal procedure.**

- A. Appeals shall be mailed to the Board, c/o the Zoning Administrator, and a copy of the appeal mailed to the Secretary of the Commission. A third copy should be mailed to the individual official, department or agency concerned, if any.
- B. Appeals requiring an advertised public hearing shall be accompanied by a certified check made payable to the Treasurer of Northumberland County in an amount as set forth in the Fee Schedule.  
**Editor's Note: See Ch. 68, Fee Schedule. [Amended 7-12-2001]**

**§ 148-~~146~~232. Public hearing. [Amended 8-13-1998]**

The Board shall, within 60 days from the receipt of a completed application, fix a time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 90 days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance from this chapter. The Board shall keep minutes of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records. The Chairperson of the Board or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses.

**§ 148-~~147~~233. Decision of the Board.**

- A. Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or bureau of the County or any municipality therein may present to the Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the Board.
- B. Upon the presentation of such petition, the Circuit Court shall allow a writ of certiorari to review the decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than 10 days and may be extended by the Circuit Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on the application, on notice to the Board and on due cause shown, grant a restraining order.
- C. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- D. If, upon the hearing, it shall appear to the Circuit Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a Commissioner to take such evidence as it may direct and report the same to the Court, with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Circuit Court shall be made. The Circuit Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- E. Costs shall not be allowed against the Board, unless it shall appear to the Circuit Court that it acted in bad faith or with malice in making the decision appealed from.
- F. In the event that the decision of the Board is affirmed and the Court finds that the appeal was frivolous, the Court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the Board may request that the Court hear the matter on the question of whether the appeal was frivolous. **Editor's Note:** Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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**ARTICLE ~~XVIII~~ XXIII Administration, Interpretation and Enforcement****§ 148-~~148~~234. Permits or licenses not in compliance with chapter.**

All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

**§ 148-~~149~~235. Violations and penalties. [Amended 10-9-1997]**

For the imposition of penalties upon conviction of any violation of this chapter. Any such violation shall be a misdemeanor punishable by a fine of not less than \$100 nor more than \$10,000. 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. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$100 nor more than \$10,000, and any such failure during any succeeding thirty-day period shall constitute a separate misdemeanor offense for each thirty-day period, punishable by a fine of not less than \$100 nor more than \$10,000.

**§ 148-~~150~~236. Amendments.**

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by the governing body, provided that:

- A. The Commission shall hold at least one public hearing on such proposed amendment after notice as required by law and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the Commission shall present the proposed amendment, including the district maps, to the governing body, together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.
- B. Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by law, after which the governing body may make appropriate changes or corrections in the proposed amendment; in the case of a proposed amendment to the Zoning Map, such public notice shall state the general usage and density range of such proposed amendment and the general usage and density range, if any, set forth in the applicable part of the Comprehensive Plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice as required by § 15.2-2204 of the Code of Virginia. An affirmative vote of at least a majority of the members of the governing body shall be required to amend this chapter. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- C. Conditional zoning. As part of an application to rezone property and amend the Official Zoning Maps, the property owner may include a voluntary proffering, in writing, placing certain conditions and restrictions on the use and development of such property, and the Zoning Administrator shall be vested with all the necessary authority to administer and enforce such conditions and restrictions, all in accordance with §§ 15.2-2296 to 15.2-2302 of the Code of Virginia of 1950, as amended, and such sections are incorporated herein as a part thereof to the same extent and purpose as those such sections where herein fully set out in length. **[Amended 12-14-1989]**
- D. Whenever application requesting an amendment, supplement, conditional use permit, special exceptions permit, variance or change has been acted on and a decision made by the Board of Supervisors, such application, or one substantially similar, shall not be reconsidered sooner than

one year after the previous denial. **[Added 11-12-1992; amended 9-9-1993]**

**§ 148-~~151237~~. Enforcement.** Editor's Note: Former Article 17, Chesapeake Bay Preservation Area, was deleted 9-20-1990. See now Ch. 54 of the Northumberland County Code.

This chapter shall be enforced by the Zoning Administrator, who shall be appointed by the governing body. The Zoning Administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.

**§ 148-~~152238~~. Permits granted prior to effective date of chapter.**

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this chapter. However, such construction must commence within 30 days after this chapter becomes effective. If construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

**§ 148-~~153239~~. District boundary lines.**

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following or being at right angles to the center lines or lines at right angles to such center lines shall be construed to be such boundaries as the case may be.
- B. Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- C. If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning Map. In the case of subsequent dispute, the matter shall be referred to the Board, which shall determine the boundary.