



Northumberland County, Virginia

Proposed Zoning Amendments

“Purpose” Section

Planning Commission Review of Section 1

Public Hearing: November 20, 2008

Work session: December 18, 2008

Section 1

The material on the following pages is the first of eight sets of review material that is published for public comment. Each of these sets represents recommended changes to part of the existing Chapter 148 Zoning Regulations. The material consists of the current zoning language in black and recommended changes in red. The first section available for public comment consists of the "Purposes" of the various zoning districts.

The Planning Commission will hold a public hearing on the proposed language of Section 1 on November 20, 2008 which will be followed by a working session on December 18, 2008.

Comments will be received by Luttrell Tadlock, Assistant County Administrator, P.O. Box 129, Heathsville, VA 22473 or delivered to the Office of Building and Zoning located at 72 Monument Place, Heathsville. Comments may also be sent by e-mail to ltadlock@co.northumberland.va.us.

The second section, review of the zoning districts, will be made available on December 31, 2008.

CURRENT REGULATION PURPOSES AND PROPOSED CHANGES

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 included in the Land Use Chapter of the Comprehensive Plan.

§ 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 and highways.
- C. Facilitate the creation of a convenient, attractive and harmonious community.
- D.** Maintain the rural character of the county and protect the working and residential waterfront from pollution and inappropriate and unsightly encroachments.
- ~~D.E.~~ 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.F.~~ Protect against destruction of or encroachment upon historic areas.
- ~~E.G.~~ Protect against one or more of the following: overcrowding of land, undue density of population in relation to the existing or available community facilities including sewage disposal, 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.
- ~~E.H.~~ Encourage economic development activities that provide convenient and desirable employment and enlarge the tax base.

NOTES:

The change to the first paragraph is to identify the maps that “accompany” this zoning ordinance.

Item “D” is added to emphasize the importance of the rural character, and the waterfront.

All other changes are minor editorial items.

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 conserving open space, forests and~~ 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.

NOTES:

The primary change on lines 3 and 4 are to clarify that this is a conservation district and not an agricultural district. Agriculture is not excluded as indicated by the reference to farms in the first sentence.

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 including farms, orchards, vineyards,~~ forests, ~~and parks or farms.~~ This district is established for the specific purpose of facilitating existing and future farming and forestry 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 residential development as possible is reasonable. The character of this district should remain agricultural in nature, with residential, -industry or small commercial business permitted only when related to agriculture purposes and allowed in it when it will benefit the immediate area without degrading the environment.

When 6 lots or more are proposed for residential subdivision or mixed subdivision usage the area shall be rezoned into the appropriate Residential District (R-1, R-2, R-4 or R-5) depending on the residential nature and location.

NOTES:

The revisions in the first 6 lines all are minor editorial clarifications to bring the "Purpose" up to date. The last sentence in the first paragraph is modified to emphasize the agricultural purposes and related agricultural purposes.

The new paragraph is provided to clarify that owners of agricultural parcels may subdivide without having to go through a zoning hearing when a small number of lots (up to 5) are involved.

ARTICLE IV Residential General District R-1

§ 148-30. Purpose.

The purpose of this district is to promote and encourage a suitable environment for family life compatible with a low intensity of land use. This district is composed of ~~certain~~ low to medium concentrations of residential uses, plus certain open areas where similar development appears likely to occur. Certain commercial, public, semipublic and institutional uses of a character that complements residential communities are permitted and encouraged insofar as they are integral to the local (or immediate) community. Cluster development and conservation design principles also are encouraged.

~~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.~~

NOTES:

The “Purpose” of this district has been rewritten to focus on residential uses and eliminate the ambiguities in the current description. The intent also is to keep the district basically residential. The reference to “public, semipublic, institutional and other related uses” is inappropriate. These are more suitable for the B-1 district. Note that the new rewrite does not rule out commercial activities.

These changes are consistent with the Comprehensive Plan.

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 as are~~ a limited number of commercial uses that would be compatible with the residential character of the local (or immediate) area.

NOTES:

The minor revision in the first paragraph is to emphasize the residential nature of this district. It does not exclude commercial uses.

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.

NOTES

A minor correction is applied to the first sentence. This zoning applies only to certain lots in the Fleeton and Chesapeake Beach area of the County and they are high density. No new rezoning into R-3 may be permitted.

ARTICLE VII Business General District B-1

§ 148-64. Purpose.

It is the purpose of this district to focus light commercial development in Villages (commercial hub and support areas) as defined in the Comprehensive Plan to allow the development and redevelopment of land in a village for mixed commercial and residential uses.

~~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. This includes such uses as retail stores, banks, theaters, business offices, restaurants, taverns, garages and service stations. This district, 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.~~

The Business General 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 currently unincorporated population and commercial 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.

This district is applicable to the areas in the Comprehensive Plan identified as Commercial Hub and Village Support Areas.

For new residential developments of 10 acres or more, and for redevelopment or infill development of 3 acres or more located within or adjacent to or overlapping the Commercial Hub or Village Support Areas as defined in the Comprehensive Plan, the overlay requirements of Article TBD Village Development Overlay District, VO-1 are to be applied.

NOTES:

The new first, third and fourth paragraph are intended to clarify that this District applies to the Villages as defined in the Comprehensive Plan. It is an important change in so far as it focuses and encourages new businesses in these areas. It should be noted that it does not differentiate between the Commercial Hub and Village Support areas but includes both in this District.

The fifth paragraph refers to a new "Village Development Overlay District" that will be presented and discussed at the second Planning Commission Working Meeting. If this recommendation is rejected, this paragraph will be deleted. (The Village Development Overlay District is being proposed to meet the requirements of §15.2-2223.1 Urban Development Areas as recently added to the State Code.)

ARTICLE VIII Industrial ~~Light~~ District M-1

§ 148-73. 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 all operations 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, using fencing or vegetated buffers to protect adjoining properties and the general welfare of the County. In general, residential usages are discouraged in this district.

NOTES:

The “Purposes” section has been rewritten. The changes are to encourage industry to locate in the County. The previous wording gave the impression industry was being discouraged. At present the Comprehensive Plan does not designate specific areas as planned for M-1 so each re-zoning request will be considered by the Planning Commission and the Board of Supervisors on its merits. As such any adjacent residential areas would be considered so the deletion of the reference in the first sentence would have no practical impact. The second (and last) sentence was not consistent with the subsequent sections of the existing M-1 regulation.

Further, the revision eliminates the ambiguous residential constraints and it places minimal new restrictions on any new industry coming into the County.

The elimination of the word “Light” in the title was to help differentiate the usages in this district from the usages in the Business General District that are described as “light” commercial.

ARTICLE IX Historical Site Overlay District [Added 3-9-1989] HO-1

§ 148-84. Purpose.

~~The purpose of this district is to provide special regulations for historic sites~~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 to 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~~).

NOTES:

The change is to clarify the paragraph. The original "Purpose" called for an "overlay" and the change simply makes it 'official'.

Note that the Comprehensive Plan recognizes two sites, in Heathsville and Reedville, as Historic Areas (pg 3-36) and other sites as Historical Sites. The Historic Site Overlay District identifies the additional regulations that apply in addition to those of the zoning district wherein each historic site is located.

ARTICLE XI Intensive Agricultural Livestock Operation [Added 4-11-1996]

§ 148-96. Purpose.

It is the intent of this article to provide for the continued ~~security~~-well-being 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.

NOTES:

The single change was to replace the word "security" with one that better applied to the purpose.

ARTICLE XIII Residential Planned Unit Developments-Development District

§ 148-111. 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 the orderly development of larger parcels wherein a mixture of residential, commercial and recreational uses are permitted in a planned development that would be compatible with the local (or immediate) area. Additional purposes are to protect the agricultural areas, natural resources, water and shorelines of the County and to manage the building density in order to maintain the rural character of the County. Cluster development is encouraged and application of conservation design principles is required.

A residential planned unit development (RPUD) shall be a project based upon a unified plan. The project shall occupy a minimum of ten (10) gross acres, including all land within the project boundaries plus one-half of all adjacent public rights-of-way. The RPUD shall be designed and constructed by a single owner or group of owners acting jointly, involving a related group of residences, recreational facilities and associated or incidental commercial uses.

§ 148-112. Goals of the RPUD District

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

- A. To 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.
- C. To help meet the need for improved housing, commercial, recreational and institutional facilities.
- D. To increase the amenities readily accessible to all the residents of the development.
- E. To facilitate the conservation and preservation of natural resources.
- F. To facilitate the safest and most efficient and economical provision and maintenance of streets and utilities.
- G. To establish sound administration standards and procedures to achieve the above objectives

NOTES:

The original “purpose” did not provide any indication of the result desired or the intention of the regulation. It provided the requirement for a site plan but no further guidance. This “purpose” is the introduction to a complete Article for a PUD.

The selection of 10 acres as the minimum is based on the judgment that any smaller parcel or development would not be economically viable considering the other requirements of the Article and the goals of the District. However, it does not preclude a developer of implementing a PUD on a smaller parcel.

In addition to the “Purpose” section, a “Goals” section is recommended for inclusion as part of the introduction to the requirements. The Purposes and Goals set the foundation for the subsequent sections.