



Northumberland County, Virginia

Proposed Zoning Amendments

"Area Regulations" Section

DRAFT VERSION 8/20/2009

Planning Commission Review of Section 3

Initial Work Session: August 20, 2009

Additional Work Session: September ?

Public Hearing: TBD

Final Work Session: TBD

Legend:

Black: Current Zoning Language

Green: Sections previously discussed by the Commission.

Red: Proposed staff recommended changes to the baseline Regulation.

Red: Proposed staff deletion/changes

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. This district is established for the specific purpose 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.

Usages as reviewed by the PC are to be inserted in this space and the sections renumbered appropriately

§ 148-7. Area regulations; exemptions.

- A. Any division of land after the enactment of this provision (April 5, 2007) shall have one (1) lot equal to fifty percent (50%) of the total acreage of said parcel. The aforesaid parcel shall have no further division and shall remain as one parcel. The remainder of the parcel may be further divided provided each lot created shall be a minimum of ten (10) acres. Public Water and sewer systems shall be exempt from area regulations. Exempt also from this area regulation are Family Divisions as defined in Article I, Section 128-4 B(3) of the Northumberland County Subdivision Ordinance. The minimum area for permitted uses in Family Divisions shall be 80,000 square feet.

(Note Family Division wording approved June 21, 2007)

§ 148-8. Setback.

Structures shall be located 100 feet or more from any street right-of-way which is 50 feet or greater in width or 125 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." The minimum setback for Family Divisions 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.

§ 148-9. Frontage.

The minimum frontage for permitted uses shall be 450 feet at the setback-building line. The minimum frontage for permitted uses in Family Divisions is 150 feet at the setback-building line.

§ 148-10. Yards.

- A. Side. The minimum side yard for the main structure and/or guest house shall be 75 feet, and the total width of the two required side yards shall be at least 150 feet. The minimum side yard for each accessory structure shall be twenty (20) feet. The minimum side yard for the main structure and/or guest house in Family Divisions 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 100 feet. The minimum rear yard for each accessory structure shall be twenty (20) feet. The minimum rear yard for the main structure and/or guest house in Family Divisions shall be 50 feet. The minimum rear yard for each accessory structure shall be eight feet.

§ 148-11. Height regulations.

- | A. ~~For farms, b~~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.
- | 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 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 XVII of this chapter.

§ 148-14. Minimum off-street parking.

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

§ 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 ~~shall be exempt from the rear yard regulations~~~~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, public or private with or without restaurant~~

~~B. Marina, private noncommercial or club type.~~

~~C. Seafood processing, Commercial Aquaculture.~~

~~D. Piers, commercial.~~

End of Article C-1

ARTICLE III Agricultural District A-1

§ 148-17. Purpose.

This district covers the portions of the County which are occupied by various open uses, including farms, orchards, vineyards, forests and parks. This district is established for the specific purpose of facilitating existing and future farming and forestry operations, conserving 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 is reasonable. The character of this district should remain agricultural in nature, with residential, industry or small commercial business permitted only 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.

Usages as reviewed by the PC are to be inserted in this space and the sections renumbered appropriately

§ 148-19. Area regulations.

For lots containing or intended to contain permitted uses, the minimum lot area shall be one acre.

§ 148-20. 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 line shall be known as the "setback line."

§ 148-21. Frontage.

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

§ 148-22. 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.

§ 148-23. 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 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 XVII of this chapter.

§ 148-26. Minimum off-street parking.

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

§ 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.
- 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 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.

§ 148-27.1. Additional regulations for clustering. (Section approved June 21, 2007)

- A. Clustering allowed as a permitted use in the Agricultural District shall have a density equal to the Area Regulation set forth in § 148-19.
- B. Cluster developments shall have a net open space of at least 50% and shall contain no more than 35% impervious surfaces.
- C. Each building shall contain no more than eight dwelling units.
- D. Low impact development (LID) practices shall be incorporated into the site design to maintain the predevelopment hydrology.
- E. A Major Water Quality Impact Assessment shall be submitted to the Zoning Administrator.

§ 148-28. 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 buildings.
- 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.

§ 148-29. Exemption from rear yard regulations.

The following ~~shall be exempt from the rear yard regulations~~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,~~ public or private with or without restaurant

B. ~~Marina, private noncommercial or club type.~~

C. Seafood processing-, commercial aquaculture

~~D Piers, commercial.~~

~~E. Grain elevators.~~

~~F. Private noncommercial piers. [Added 8-13-1998]~~

~~G Piers, community. [Added 8-13-1998]~~

End of Article A-1

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 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.

Usages as reviewed by the PC are to be inserted in this space and the sections renumbered appropriately

§ 148-32. Area regulations.

For lots containing or intended to contain permitted uses, the minimum lot area shall be 3/4 acre

§ 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~~building 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 125 feet or more.

§ 148-37.1 Additional regulations for clustering.

A. Clustering allowed as a permitted use in the Agricultural District shall have a density equal to the Area Regulation set forth in § 148-32.

B. Cluster developments shall have a net open space of at least 50% and shall contain no more than 35% impervious surfaces.

C. Each building shall contain no more than eight dwelling units.

D. Low impact development (LID) practices shall be incorporated into the site design to maintain the predevelopment hydrology.

E. A Major Water Quality Impact Assessment shall be submitted to the Zoning Administrator.

§ 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 XVII of this chapter.

§ 148-40. Minimum off-street parking.

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

§ 148-141. Exemption from rear yard regulations.

The following ~~shall be exempt from the rear yard regulations~~ ~~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]~~

End of Article R-1

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

Usages as reviewed by the PC are to be inserted in this space and the sections renumbered appropriately

§ 148-44. Area regulations.

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

§ 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-building~~ line. If common property exists, the minimum frontage for common property shall be 125 feet at the setback line.

§ 148-47. 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.

§ 148-48. 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 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.

§ 148-50.1. Additional regulations for clustering. (Section approved June 21, 2007)

- A. Clustering allowed as a permitted use in the Agricultural District shall have a density equal to the Area Regulation set forth in § 148-44.
- B. Cluster developments shall have a net open space of at least 50% and shall contain no more than 35% impervious surfaces.
- C. Each building shall contain no more than eight dwelling units.

D. Low impact development (LID) practices shall be incorporated into the site design to maintain the predevelopment hydrology.

E. A Major Water Quality Impact Assessment shall be submitted to the Zoning Administrator.

§ 148-51. Signs.

Sign regulations shall conform to Article XVII of this chapter.

§ 148-52. Minimum off-street parking.

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

§ 148-53. Exemption from rear yard regulations.

The following ~~shall be exempt from the rear yard regulations~~ 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, public or private with or without restaurant~~
- B. ~~Marinas, private noncommercial or club type.~~
- C. Seafood Processing, Commercial Aquaculture
- D. ~~Piers, commercial~~
- E. ~~Grain elevators~~
- F. ~~Private noncommercial piers. [Added 8-13-1998]~~

End of Article R-2

ARTICLE VI Residential Restricted District R-3

§ 148-54. Purpose.

The purpose of this district is to allow for 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.

Usages as reviewed by the PC are to be inserted in this space and the sections renumbered appropriately

§ 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 XVII of this chapter.

§ 148-63. Minimum off-street parking.

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

End of Article R-3

ARTICLE VII Multi-family Residential Dwelling District R-4

§ 148-TBD. Purpose

The purpose of this district is to provide for safe and orderly development of multi-family dwellings 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, single family residential, recreational and conservancy uses are permitted and a limited number of commercial uses that are compatible with the residential character of the local (or immediate) area.

§ 148-TBD. Applicability. The requirements of the Multi-family Residential Dwelling District, R-4 are applicable whenever an individual housing unit exceeds two dwelling unit(s) and a planned unit development is not appropriate.

This district was created to address Multi-family housing. The Commission needs to consider the following items:

- 1) *Discuss density in relation to this district.*
 - *At what density should Multi-family housing be allowed? Should there be different densities based on sewer and/or water? What is the incentive for a developer to do a Multi-family clustering development with open space vs. single lot divisions?*

ARTICLE XIII Planned Unit Development District R-5

§ 148-TBD. Purpose.

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 planned unit development (PUD) shall be a project based upon a unified plan. The PUD 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-TBD. Goals of the PUD District

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

The Commission needs to consider the following items:

- 1) *Should residential density for PUD be the same as set in the R-4 district?*
- 2) *Should there be different density requirements for businesses?*

End of Article R-5

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.

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 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.,

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.

Usages as reviewed by the PC are to be inserted in this space and the sections renumbered appropriately

§ 148-66. Area regulations.

None, 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.

§ 148-67. 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. Yards.

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

§ 148-69. 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. 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.

§ 148-70. 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 XII of this chapter.

§ 148-72. Minimum off-street parking.

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

End of Article B-1

ARTICLE VIII Industrial District M-1

§ 148-73. Purpose.

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.

Usages as reviewed by the PC are to be inserted in this space and the sections renumbered appropriately

§ 148-75. 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. 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. 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. 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. 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 Zoning District.

§ 148-80. 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, however, parcels larger than 5 acres must meet LID requirements, except that the maximum impervious surface shall be increased to 60%.~~

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

§ 148-81. 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. Signs.

Sign regulations shall conform to Article XVII of this chapter.

§ 148-83. Minimum off-street parking.

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

End of Article M-1

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 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 consistent with protecting water quality as required by law.

§ 148-97. 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. 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. 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. Application requirements.

Applications for an intensive agricultural livestock operation permit shall contain the following items:

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- 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.

§ 148-101. 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.

§ 148-102. 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. 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.