

# Chapter 148- Zoning

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## **Article I General Provisions**

- §148-1. Adoption of standards.
- §148-2. Purpose.
- §148-3. Definitions and word usage.
- §148-4. Districts.
- §148-5. Usages.

## **Article II Conservation District C-1**

- §148-6. Purpose.
- §148-7. Use regulations.
- §148-8. Area regulations; exemptions.
- §148-9. Setback.
- §148-10. Frontage.
- §148-11. Yards.
- §148-12. Height regulations.
- §148-13. Septic regulations.
- §148-14. Signs.
- §148-15. Minimum off-street parking.
- §148-16. Additional regulations for clustering.
- §148-17. Special provisions for corner lots.
- §148-18. Exemptions from rear yard regulations.

## **Article III Agricultural District A-1**

- §148-19. Purpose.
- §148-20. Use regulations.
- §148-21. Area regulations.
- §148-22. Setback.
- §148-23. Frontage.
- §148-24. Yards.
- §148-25. Height regulations.
- §148-26. Septic regulations.
- §148-27. Signs.
- §148-28. Minimum off-street parking.
- §148-29. Additional regulations for light industry.

- §148-30. Additional regulations for clustering.
- §148-31. Special provisions for corner lots.
- §148-32. Exemptions from rear yard regulations.

## **Article IV Residential General District R-1**

- §148-33. Purpose.
- §148-34. Use regulations.
- §148-35. Area regulations.
- §148-36. Setback.
- §148-37. Frontage.
- §148-38. Yards.
- §148-39. Height regulations.
- §148-40. Special provisions for corner lots.
- §148-41. Additional regulations for clustering.
- §148-42. Septic Regulations
- §148-43. Signs.
- §148-44. Minimum off-street parking.
- §148-45. Exemptions from rear yard regulations.

## **Article V Residential Waterfront District R-2**

- §148-46. Purpose.
- §148-47. Use regulations.
- §148-48. Area regulations.
- §148-49. Setback.
- §148-50. Frontage.
- §148-51. Yards.
- §148-52. Height regulations.
- §148-53. Special provisions for corner lots.
- §148-54. Septic Regulations
- §148-55. Additional regulations for clustering.
- §148-56. Signs.
- §148-57. Minimum off-street parking.
- §148-58. Exemptions from rear yard regulations.

# Chapter 148- Zoning

---

## **Article VI**

### **Residential Restricted District R-3**

- §148-59. Purpose.
- §148-60. Use regulations.
- §148-61. Area regulations.
- §148-62. Setback.
- §148-63. Yards.
- §148-64. Height regulations.
- §148-65. Special provisions for corner lots.
- §148-66. Septic Regulations
- §148-67. Signs.
- §148-68. Minimum off-street parking.

## **Article VII**

### **Residential Recreational District R-4**

- §148-69. Purpose.
- §148-70. Use regulations.
- §148-71. Area regulations.
- §148-72. Setback.
- §148-73. Frontage.
- §148-74. Yards.
- §148-75. Height regulations.
- §148-76. Special provisions for corner lots.
- §148-77. Additional regulations for clustering.
- §148-78. Septic Regulations
- §148-79. Signs.
- §148-80. Minimum off-street parking.

## **Article VIII**

### **Business General District B-1**

- §148-81. Purpose.
- §148-82. Use regulations.
- §148-83. Area regulations.
- §148-84. Setback.
- §148-85. Yards.
- §148-86. Height regulations.
- §148-87. Septic Regulations
- §148-88. Signs.
- §148-89. Minimum off-street parking.

## **Article IX**

### **Industrial Light District M-1**

- §148-90. Purpose.
- §148-91. Use regulations.
- §148-92. Requirements for permitted uses.
- §148-93. Area regulations.
- §148-94. Setback.
- §148-95. Yards.
- §148-96. Height regulations.
- §148-97. Septic Regulations
- §148-98. Signs.
- §148-99. Minimum off-street parking.

## **Article X**

### **Historical Site Overlay District H-1**

- §148-100. Purpose.
- §148-101. Underlying districts.
- §148-102. Permits; approval of Historic Site Review Board.
- §148-103. Procedures for establishing site or district.
- §148-104. Basis of approval.
- §148-105. Historic Site Review Board.
- §148-106. Historic site markers.
- §148-107. Alteration of HSD's.
- §148-108. Appeals to Board of Supervisors.
- §148-109. Appeals to Circuit Court.
- §148-110. Additional rights.

## **Article XI**

### **Intensive Agricultural Livestock Operation**

- §148-111. Purpose.
- §148-112. Definitions.
- §148-113. Minimum acreage requirements.
- §148-114. Setbacks.
- §148-115. Application requirements.
- §148-116. Review and approval.
- §148-117. Validity of development plans
- §148-118. Effect of regulations on existing operations.

# Chapter 148- Zoning

---

## **Article XII** **Sign Regulations**

- §148-119. Purpose.
- §148-120. Definitions.
- §148-121. Outdoor advertising.
- §148-122. Exceptions.
- §148-123. Measurement of sign area.
- §148-124. Permitted signs.
- §148-125. Shopping Centers or multi-business.
- §148-126. Residential subdivisions, multi-dwelling complexes, planned unit developments.
- §148-127. Setback. clustering.
- §148-128. Illumination.
- §148-129. Redevelopment.
- §148-130. Additional restrictions.

## **Article XIII** **Planned Unit Developments**

- §148-131. Purpose.
- §148-132. Goals of the planned unit development district.
- §148-133. Area and density regulations.
- §148-134. Design standards.
- §148-135. Streets, sidewalks, and bikeways.
- §148-136. Utilities.
- §148-137. Minimum off-street parking.
- §148-138. Lighting.
- §148-139. Signs.
- §148-140. Administration.

## **Article XIV** **Additional Regulations**

- §148-141. Widening of highways and streets.
- §148-142. Minimum off-street parking.
- §148-143. Airport/airstrip approach zone.

## **Article XIV Continued**

- §148-144. Lighting.
- §148-145. Environmental protection.
- §148-146. Screening.
- §148-147. Fencing.
- §148-148. Additional setbacks.
- §148-149. Additional side yards.
- §148-150. Piers.
- §148-151. Boathouses.
- §148-152. Mobile/manufactured homes.
- §148-153. Travel trailers.
- §148-154. Hunt clubs.
- §148-155. Reserved.

## **Article XV** **Nonconforming Uses**

- §148-156. Continuation
- §148-157. Permits.
- §148-158. Repairs and maintenance.
- §148-159. Changes in district boundaries.
- §148-160. Expansion or enlargement.
- §148-161. Nonconforming unimproved lots.
- §148-162. Nonconforming junkyards
- §148-163. Restoration or replacement.

## **Article XVI** **Permits and Certificates**

- §148-164. Zoning permits.
- §148-165. Certificate of zoning compliance.
- §148-166. Conditional use permit.
- §148-167. Construction and use to be in compliance.
- §148-168. Uses not provided for.

# Chapter 148- Zoning

---

## *Article XVII Provisions for Appeal*

- §148-169. Board of Zoning Appeals.
- §148-170. Powers and duties.
- §148-171. Rules and regulations.
- §148-172. Appeal to the Board.
- §148-173. Appeal procedures.
- §148-174. Public hearing.
- §148-175. Decision of the Board.

## *Article XVIII Administration, Interpretation, and Enforcement*

- §148-176. Permits or licenses not in compliance with chapter.
- §148-177. Violations and penalties.
- §148-178. Amendments.
- §148-179. Enforcement.
- §148-180. Permits granted prior to effective date of chapter.
- §148-181. District boundary lines.

**[HISTORY: Adopted by the Board of Supervisors of Northumberland County 9-1-1974. Amendments noted where applicable.]**

### **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.

## **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~~Zoning Ordinance of Northumberland County, Virginia, together with the accompanying zoning maps as required by the Code of Virginia §15.2-2285 Section A.

### **§ 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.

## Chapter 148- Zoning

---

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 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.

G. Encourage economic development activities that provide desirable employment and enlarge the tax base.

H. Promote the preservation of agricultural, forested, and wetlands for the protection of the natural environment and of the water quality of the Chesapeake Bay.

I. Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the County.

### **§ 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. A subordinate structure detached from but located on the same lot with the principal structure, the use of which is incidental to that of the principal 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." See

HEALTH CARE FACILITY

[Added 10-9-1997; amended 2-12-1998]

#### **AGRICULTURE**

## Chapter 148- Zoning

---

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

### **AGRICULTURAL PROCESSING (PRODUCE PROCESSING)**

Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory to an agricultural use.

### **AIRPORT AND/OR HELIPORT**

~~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.~~

Any area of land or water which is used or intended, either publicly or privately, for the landing and takeoff of aircraft, which may include all necessary taxiways, tie-down areas, fuel storage, hangars, maintenance/repair facilities, instruction, charter/rental, buildings, discharge or receive cargoes and/or passengers, and other appurtenances. Includes Airstrips, Airfields, Airparks, Landing Strips, Helistops, and/or Helipads.

### **ALLEY**

A public or private right-of-way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on a street. Additionally, the alley may be used for drainage and utility easements and/or improvements.

### **ALTERATION**

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

### **ANIMAL HOSPITALS OR VETERINARY CLINICS WITH OR WITHOUT RUNWAYS OR OUTSIDE PENS**

Any building or portion thereof designed or used for the care, observation or treatments of cats, dogs, or other household pets, with incidental boarding.

### **ANTIQUÉ SHOP**

A building where goods are offered for sale consisting primarily of ~~new or~~ reconditioned merchandise or of bona fide antiques. See BUSINESS, SMALL OR LARGE RETAIL/WHOLESALE

### **APARTMENT**

See DWELLING, MULTI-UNIT.

### **COMMERCIAL-AQUACULTURE, COMMERCIAL**

The ~~propagation,~~ rearing, ~~enhancement,~~ and harvesting of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, or fresh water for sale.

**[Added 4-10-2008]**

## Chapter 148- Zoning

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### **COMMERCIAL-AQUACULTURE FACILITY, COMMERCIAL**

Any land, structure, or other appurtenance ~~that is used for aquaculture~~, including, but not limited to, any laboratory, hatchery, pond, raceway, pen, cage, or incubator that is used for Commercial Aquaculture.

[Added 4-10-2008]

### **AQUATIC ORGANISM**

Any species or hybrid of aquatic animal or plant, including, but not limited to, "fish," "fishes," "shellfish," "marine fish," and "organisms" as those terms are defined by the Code of Virginia § 28.2-100.

[Added 4-10-2008]

### **ASPHALT OR CONCRETE BATCHING PLANTS**

A building and/or associated land area where components are combined to manufacture asphalt or concrete and transported to the customer. This definition may include manufacturing of concrete products such as septic tanks, culverts, etc.

### **ASSEMBLY/SOCIAL HALLS**

A building or portion of a building primarily used for the public or membership groups to assemble for civic, educational, political, religious, or social purposes.

### **ASSEMBLY/MANUFACTURING FACILITY**

A structure used for the fitting together of parts or components to form a partial or complete unit.

### **ATTACHED**

When pertaining to structures, a physical connection to a structure by a structural element or structural feature. The term attached cannot be used to circumvent any other provision of the ordinance.

### **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. See JUNKYARD.~~

### **AUTOMOTIVE DISMANTLING**

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. See JUNKYARD.

### **AUTOMOTIVE RECONDITIONING**

Establishments primarily engaged in furnishing automotive repair of an intensive nature

## Chapter 148- Zoning

---

such as general repairs, paint, or body shops, machine shops, vulcanizing shops, radiator repair shops, and engine and transmission repair shops.

### **AUTOMOTIVE/TRUCK SALES/SERVICE**

The keeping of motor vehicles, recreational vehicles, campers, trailers, construction equipment, or similar equipment or machinery for sale or lease.

### **BAKERY**

An establishment engaged in the retail or wholesale of baked goods for consumption or distribution. See BUSINESS, SMALL RETAIL/WHOLESALE.

### **BANK OR TRUST COMPANY**

A building with or without a drive-up window primarily used for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

### **BARBER/BEAUTY SHOP**

An establishment in which, for compensation, services are rendered including but not limited to hairstyling, haircutting, hair coloring, manicuring/nail care, and tanning. See BUSINESS, SMALL RETAIL/WHOLESALE.

### **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.~~

### **BED AND BREAKFAST**

Any owner occupied dwelling having no more than 4 bedrooms, offering to the public, for compensation, transitory lodging or sleeping accommodations; and offering at least 1 meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

### **BIOSOLIDS**

See Northumberland County Code Chapter 39. Biosolids.

### **BLACKSMITH SHOP, WELDING, OR MACHINE SHOP**

A facility where material is processed by machining, cutting, grinding, welding or similar processes.

### **BOARDINGHOUSE**

A building where, for compensation, lodging and meals are provided for at least 5 and not more than 14 persons.

## Chapter 148- Zoning

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### **BOAT BUILDING**

A commercial establishment primarily engaged in the assembly and/or repair of marine vessels including support services.

### **BOAT SALES, SERVICE, AND/OR RENTALS**

A building structure or land used for the sales, service, or the leasing or rental of boats or watercraft, boat motors, or boat trailers.

### **BOAT STORAGE FACILITY (COMMERCIAL)**

A facility for the dry storage of boats, together with accessory structures and uses.

### **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.~~

### **BULK OIL/PROPANE STORAGE, COMMERCIAL**

A fixed installation where these products are stored, either for subsequent transshipment to a smaller fixed installation or for pick-up for transport to the site where the product will be used by the consumer. Materials may be stored in one or more tanks on the site, the size of a tank being constrained by Federal and State regulations pertaining to construction and safety standards. Such facilities shall not include retail sales. Accessory tanks for agriculture, aviation, boating, construction sites, or personal use are excluded from this definition.

### **BUS TERMINAL**

A building, premises or facility for the operation of a bus business, which includes but is not limited to ticket sales, repairs and customer parking.

### **BUSINESS, SMALL RETAIL/WHOLESALE**

Businesses occupying less than 5,000 square feet of retail space under roof that typically involve light traffic such as antique stores, barber shops, gift and specialty shops, bakeries, flower shops, wine and cheese stores, small grocery stores, and the like.

### **BUSINESS, LARGE RETAIL/WHOLESALE**

Businesses occupying 5,000 square feet or more of retail space under roof that typically involve light to heavy traffic such as larger hardware stores, larger grocery stores,

## Chapter 148- Zoning

---

department stores, shopping centers and similar commercial activities. This does not include Light Industry.

### **CABINET, FURNITURE, AND UPHOLSTERY SHOP**

Any building, structure or facility which is used for the production, repair, refinishing or upholstering of furniture, cabinets or other similar products.

### **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 FOR STORAGE**

A shipping container, with or without the wheels, to be used for private storage (does not include temporary contractor storage on construction sites).

[Added 1-12-2006]

### **~~CELLAR~~**

~~A story having more than 1/2 of its height below grade.~~

### **CEMETERY**

Any land or structure used or intended to be used for the interment of human remains, either by earth burial, entombment in a mausoleum, inurnment in a columbarium, or a combination thereof.

### **CHILD-CARE CENTER**

Any ~~place, home or institution~~structure which receives 5 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 of~~ 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.

### **CHURCH**

See Worship, Places of

### **CIRCUIT COURT**

The Circuit Court of the County.

## Chapter 148- Zoning

---

### **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. See HEALTH CARE FACILITY.

### **CLUB, PRIVATE**

A group of people associated for a common purpose, usually in an organization that meets regularly. The term includes lodges, fraternities, sororities, veterans' groups, political groups and similar organizations.

### **CLUB FACILITIES, PRIVATE**

The facilities, including the clubhouse, used by the members of a club to carry out the activities of the club.

### **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.

### **COMMERCIAL**

Any non-residential service or business activity.

### **COMMISSION**

The Planning Commission of Northumberland County, Virginia.

### **COMMON FACILITY/PROPERTY**

All the real property and improvements set aside for the common use and enjoyment of the residents of a 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 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 may contain such recreational facilities for residents as are shown on the approved development plan or subsequently approved by the residents and can include, but not limited to, walkways, bikeways, and outdoor active and passive recreation areas. Drainfields shall not be considered common open space.

### **COMMUNITY ASSOCIATION**

A condominium or property owners association.

## Chapter 148- Zoning

---

### **COMMUNITY CENTER**

A building used for recreational, social, educational and cultural activities owned and operated by a public or nonprofit group or agency.

### **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 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. See PROPERTY OWNERS ASSOCIATION

### **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 in perpetuity.

### **CONSTRUCTION/SALES OFFICE, TEMPORARY**

A structure used as a temporary office during a construction or sales operation. This use includes construction/sales office structures occupied in conjunction with residential or non-residential development.

### **CONTRACTOR, BIOSOLIDS**

An individual or company obtaining the permit and responsible for complying with the procedures for transporting biosolids (sludge) from the source ~~to a storage facility and/or~~ for the application of sludge onto the land, and/or to a storage facility.

### **CONVENIENCE STORE**

An establishment, less than 5,000 square feet in retail space, selling a variety of grocery, household, and food items including but not limited to prepared and prepackaged foods, coffee, beverages, tobacco products, magazines, fishing tackle, bait and ice. It is the intention of this definition not to include small grocery, specialty or gourmet stores and to include quick service retail establishments which are characterized by high traffic generation and rapid turnover of customers. Petroleum products may also be offered for sale. See BUSINESS, SMALL RETAIL/WHOLESALE.

### **COUNTY**

The County of Northumberland, Virginia.

## Chapter 148- Zoning

---

### **COUNTRY CLUB**

A land area and buildings containing recreational facilities, club house and normal accessory uses, primarily open to members and their guests for a membership fee, and which may include but are not limited to swimming pools, tennis courts, golf courses, boating, stables and riding facilities, equestrian events but not racetracks; may include overnight accommodations for members and guests and dining facilities which may be for use by members, guests and the general public.

### **COUNTRY GENERAL STORE**

A single store with less than 5,000 square feet of sales area which primarily offers for sale at retail a limited range of foods and related items, including but not limited to: bread, milk, meat, canned and bottled foods and beverages, tobacco products, fishing tackle and bait, newspapers, and hardware articles. Petroleum products may be offered for sale, but only as a secondary activity. See BUSINESS, SMALL RETAIL/WHOLESALE.

### **DAIRY**

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

### **DISTRICT**

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

### **DRUG STORE/PHARMACY**

An establishment dispensing drugs, medicines, and prescriptions in accordance with the Code of Virginia. The sale of non-medicinal items may also constitute a portion of the retail business. See BUSINESS, SMALL RETAIL/WHOLESALE.

### **DRY CLEANERS**

A facility where dry-cleaning of clothing and household textiles for consumers is performed. This definition shall also include those facilities where clothing and household items are received from consumers, and returned for pick-up by consumers, but at which no dry-cleaning processes are performed. See BUSINESS, SMALL RETAIL/WHOLESALE.

### **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, SINGLE UNIT**

Any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist eabinshomes, motels, trailers and travel trailers. A structure arranged or designed to have 1 dwelling unit.

## Chapter 148- Zoning

---

### **DWELLING, MULTIPLE ~~FAMILY/APARTMENT HOUSE~~UNIT**

~~A structure arranged or designed to be occupied by more than two families, living independently of each other to have more than 1 dwelling unit.~~

### **~~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.~~

### **DWELLING UNIT**

~~One or more rooms in a structure designed for living or sleeping purposes and having at least one bath. A single unit providing complete independent living facilities for 1 or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

### **~~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.~~

### **FARM MACHINERY SALES, RENTAL, SERVICE, AND/OR REPAIR**

A commercial establishment for the sale, rental, service, and/or repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

### **FARMERS MARKET**

Retail sale of items including but not limited to fresh fruits, vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short term or daily basis; may be indoor or outdoor; this term does not include Roadside Stands.

### **FERRY**

## Chapter 148- Zoning

---

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

### 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 of motor vehicles for compensation.

### ~~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 ~~g~~Golf ~~d~~Driving ~~r~~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.

### GROUP HOMES, LICENSED

See Code of Virginia.

### 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 1 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 if applicable.

### GUEST HOUSE

## Chapter 148- Zoning

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A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure and containing a ~~d~~dwelling ~~u~~Unit not exceeding the main structure in total square footage and not intended for the purpose of renting.

### **HEALTH CARE FACILITY**

Any institution, place, building, or agency required to be licensed under Virginia law, including, but not limited to, any hospital, nursing facility or nursing home, boarding home, assisted living facility, supervised living facility, or ambulatory medical and surgical center. (See Code of Virginia § 15.2 -2800)

### **HEALTH OFFICIAL**

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

### **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 height of 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. Any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by an occupant of the premises. Home occupations shall include Child Care Centers.

### **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.) See HEALTH CARE FACILITY.

### **HOSPITALS, SPECIAL CARE**

An institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. See HEALTH CARE FACILITY.

## Chapter 148- Zoning

---

### **HOTEL/MOTEL**

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]

### **IMPERVIOUS SURFACE**

A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil and permits precipitation to discharge (runoff) across the land surface and through conveyances to one or more waterways. Impervious surfaces include, but are not limited to roofs and buildings without water retention facilities, streets, parking areas, and any concrete, asphalt or compacted gravel surface. (Modified Virginia Administrative Code 9VAC10-20-49).

### **INFILTRATION FACILITY**

A stormwater management facility that temporarily impounds runoff and discharges it via infiltration through the surrounding soil.

### **INTEGRATED MANAGEMENT PRACTICES (IMP)**

The microscale and distributed management techniques to achieve desired post-development hydrologic conditions. These include bioretention, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, and infiltration trenches.

### **INTENSIVE AGRICULTURAL LIVESTOCK OPERATION**

See specific definitions that apply to this item in Appendix XII §148-112.

### **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, COMMERCIAL**

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.

## Chapter 148- Zoning

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### **LABORATORIES/TESTING/PHARMACEUTICAL/SCIENTIFIC**

A building with a facility for scientific research primarily used for the analysis of natural resources, medical resources, and manufactured materials. This category includes environmental laboratories for the analysis of air, water, and soil; medical and veterinary laboratories, and forensic laboratories for analysis of evidence in the support of law enforcement.

### **LANDFILL, SANITARY**

A landfill accepting nonhazardous debris, trash or waste, which is covered with clean fill after each day's operation, and which meets all standards of (and is, or will be, properly licensed by the Department of Environmental Quality.

### **LARGE RETAIL/WHOLESALE BUSINESS**

See BUSINESS, LARGE RETAIL/WHOLESALE.

### **LAUNDROMAT**

An establishment providing washing, drying and/or dry cleaning machines on the premises for rent or use by the general public for family laundering or dry cleaning purposes. See BUSINESS, SMALL RETAIL/WHOLESALE.

### **LIGHTING—**

#### **FULLY SHIELDED LIGHT**

A light constructed and installed in such a manner that all light emitted by the lamp, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the light, is projected below the horizontal plane through the light's lowest light-emitting part.

#### **GLARE**

Lighting entering the eye directly from lights or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

#### **LIGHT TRESPASS**

Light that falls beyond the property it is intended to illuminate.

#### **LUX**

The unit of measure expressing the quantity of light received on a surface.

#### **SHIELDED DIRECTIONAL LIGHT**

A light that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

## Chapter 148- Zoning

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### **UNSHIELDED LIGHT**

A light capable of emitting light in any direction including downwards.

### **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 1 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 2 or more streets at their intersections. Of the 2 sides of a corner lot, the front shall be deemed to be the shortest of the 2 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 2 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.

### **LOW IMPACT DEVELOPMENT (LID)**

A set of site design approaches and small-scale stormwater management practices that seek to maintain the site's pre-development aquifer return rates and volumes of runoff. LID accomplishes this through the minimization of impervious cover, strategic placement of buildings, pavement and landscaping, and the use of small-scale distributed runoff management features that are collectively called "Integrated Management Practices."

## Chapter 148- Zoning

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### **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]**

### **MARINE RAILWAY**

A structure designed to recover marine vessels for maintenance and/or for the construction and launching of marine vessels.

### **MOBILE/MANUFACTURED HOME PARK**

Any site, lot, field or tract of land upon which is located 2 or more occupied mobile/manufactured homes or which is held out for the location of any occupied mobile/manufactured home, which mobile/manufactured 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 PARK, FAMILY**

Any lot, site, field or tract of land upon which is located a minimum of 2 and a maximum of 4 occupied mobile/manufactured homes of which mobile homes or lots are intended for use by a person or persons in the immediate family of the property owner as defined in the Code of Virginia, as amended.

### **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.* ~~as set forth in the Virginia Construction Code,~~ applicable to site-built homes, composed of one or more components, each of which was substantially assembled in a manufacturing plan and designed to be transported to the home site on its own chassis, and exceeds 40 feet in length and eight feet in width.

## Chapter 148- Zoning

---

[Amended 11-13-1986]

### **MOBILE/MANUFACTURED HOME SALES YARD**

A building having the characteristics of a residential dwelling which exists for the purpose of display or advertising in connection with the sale of like units.

### **~~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]~~

### **MUSEUM**

Facility used for the primary purpose of displaying artifacts, art work. Historical documents, photographs, costumes, and other natural or man-made objects. The facility may include accessory meeting rooms, lecture halls, and/or other meeting related facilities/activities.

### **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.

### **NURSERIES & GREENHOUSES, COMMERCIAL**

An enterprise which conducts the growing, retail and/or wholesale sales of plants, as well as accessory items directly related to their care and maintenance.

### **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. See HEALTH CARE FACILITY.

### **OFF-STREET PARKING AREA**

Space provided for vehicular parking outside the dedicated street right-of-way.

### **OFFICE BUILDINGS**

## Chapter 148- Zoning

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A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

### **PARAPET**

A low protective external wall that extends above a roof or balcony or portion thereof.

### **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.

### **PAWNBROKER SHOP**

A place of business of any person authorized by the Circuit Court for Northumberland County to engage in the business of a pawnbroker as defined by the Code of Virginia, § 54.1-4000 et seq.

**[Added 4-18-2012]**

### **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]**

### **PLANNED UNIT DEVELOPMENT (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

## Chapter 148- Zoning

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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]

### **PRECIOUS METALS DEALER SHOP**

The place of business of any person permitted by the Sheriff of Northumberland County to engage in the business of a dealer in precious metals and gems as defined in Chapter 109, Precious Metals and Gems, of the Code of Northumberland County.

[Added 4-18-2012]

### ~~**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.~~

### **PRIVATE STORAGE BUILDING**

A storage building, not for agricultural purposes and not a private garage built in conjunction with a proposed dwelling on the same parcel or on adjoining parcel, which is the principal building on a parcel for the private use of the landowner.

[Added 12-14-2006]

### **PRO SHOP**

A shop at which equipment for a particular sport is sold typically by a professional in that sport.

### **PROFESSIONAL BUSINESS OFFICE**

See OFFICE BUILDING.

### **PROPERTY OWNERS ASSOCIATION (POA)**

An association combining individual home or commercial unit ownership with shared use, ownership, maintenance, and responsibility for common property or facilities. Includes home owners associations.

### **PUBLIC AMUSEMENT**

A use devoted to entertainment, such as theaters, bowling alleys, skating rinks, pool and billiard halls, miniature golf courses, dance halls, amusement arcades, bingo halls, driving ranges, and similar uses.

### **PUBLIC OR GOVERNMENTAL BUILDINGS OR FACILITIES**

## Chapter 148- Zoning

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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.

### **RANGE, SHOOTING**

The use of land for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games. Excluded from this use type shall be general hunting, unstructured and non-recurring discharging of firearms on private property with the property owner's permission, and historical re-enactments.

### **REQUIRED OPEN SPACE**

Any open space required by this chapter.

### **RESTAURANT**

Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises as permitted by the Department of Health.

### **REST HOME**

Any place containing beds for 2 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. See HEALTH CARE FACILITY.

### **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, pipe, and lumberyards). See BUSINESS, SMALL OR LARGE RETAIL/WHOLESALE.

### **ROAD, FRONTAGE**

A one-way road that is generally parallel to and separated from a main highway serving as a collector and distributor for local traffic to limit direct access to the main highway.

### **ROADSIDE STAND, WAYSIDE STAND or WAYSIDE MARKET**

Any structure or land used for the sale of agricultural or marine produce abutting a public thoroughfare.

### **ROW HOUSE**

See TOWNHOUSE.

### **SALES OFFICE, TEMPORARY**

## Chapter 148- Zoning

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A building in a recorded subdivision used as an office for the sale of property or homes in such subdivision.

### **SAWMILL**

A permanent sawmill located on public or private property for the processing of timber. A permanent facility for the conversion of rough logs into finished wood products, including facilities for drying and storage of rough and finished lumber.

### **SAWMILL, PORTABLE**

A portable sawmill for cutting-processing timber grown primarily on the premises.

### **SCHOOL, PRIVATE**

A bona fide educational institution other than a public school that provides instruction which is equivalent to public school education to public school-age children, and which may involve the boarding of pupils who, in the ordinary course of events, return annually to the homes of their parents or guardian for not less than two months of summer vacation.

### **SEAFOOD PROCESSING**

The cleaning, shedding, shucking, processing, and/or packing of seafood for wholesale or retail purposes.

### **SEAFOOD PROCESSING PLANT/FACILITY**

Any structure or facility, temporary or permanent, which is used for the cleaning, shedding, shucking, processing, and/or packing of seafood.

### **SEASONAL AGRICULTURAL WORKERS HOUSING FACILITY**

One (1) 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 1 or more persons, 1 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.

### **SELF-STORAGE/MINI-STORAGE CENTER**

A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small business, apartment dwellers, and residential users.

## Chapter 148- Zoning

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### **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, and the like. See BUSINESS, SMALL RETAIL.

### **SERVICE STATION**

A retail establishment providing petroleum and/or other vehicle energy products and/or repair service for vehicles.

### **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 rick, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

### **SIGN, CANOPY, OR AWNING**

Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

### **~~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, HEIGHT**

Measured from final grade to the top of the sign area.

## Chapter 148- Zoning

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### **SIGN, MONUMENT**

A freestanding sign whose face is mounted upon a base that is at least 75 percent of the width of the sign area. A monument sign may be externally or internally lighted.

### **SIGN, POLE**

A freestanding sign whose face is mounted upon single or double supports of which is less than 75 percent of the width of the sign area. A pole sign may be externally or internally lighted.

### **SIGN, PROJECTING**

A sign that is attached to a wall or structure and extends horizontally from that wall or structure.

### **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. A sign, banner, balloon, pennant, poster, or advertising display constructed of cloth, plastic, sheet, cardboard, wallboard, or other like materials, intended to be displayed for a limited period of time and not permanently attached to the ground.~~

### **SIGN, WALL**

A single-faced sign which is affixed to the exterior wall of a building and which is parallel to the building wall and which does not project more than 12 inches from the wall surface to which it is attached.

### **SHIP STORE**

A single store with 5,000 square feet or less of sales area which primarily offers for sale at retail items incidental to boating and related activities.

### **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.*

### **SLUDGE AND SLUDGE STORAGE**

See Northumberland County Code Chapter 39. Biosolids.

### **SMALL RETAIL BUSINESS**

See BUSINESS, SMALL RETAIL/WHOLESALE.

### **SOLAR ARRAY**

## Chapter 148- Zoning

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One or more solar panels mounted on a commercial or residential structure, or as a stand-alone installation.

### **STORAGE YARD, CONTRACTOR EQUIPMENT**

Any site, lot, parcel, tract or place where material, goods, equipment and/or parts used or associated with contractor maintenance, repair and/or a construction operation which are kept or stored while awaiting their disposal or usage.

### **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 3 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.

### **SWIMMING OR SPORTS CLUB FACILITY, COMMERCIAL**

A facility open to the public for a daily, monthly, annual, and/or membership fee.

### **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-dwelling building with both private front and rear entrances and private front and rear property and sharing common interior side walls. There usually is no common area property and the units often have uniform heights and front widths.

## Chapter 148- Zoning

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### **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]~~

~~A vehicle designed to provide temporary living quarters of such size or weight as not to require special highway movement permits when towed by a motor vehicle and having a gross trailer area less than 320 square feet. (See Code of Virginia §46.2-1900.)~~

### **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.

### **VILLAGES**

~~The areas of the County so designated in the Northumberland County Comprehensive Plan.~~

### **VIRGINIA CODE**

## Chapter 148- Zoning

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The Code of Virginia, 1950, as amended, including the latest edition or supplement unless otherwise indicated. References in this chapter to the “Code of Virginia” and the “Code” are to the Virginia Code.

### **WATER AND SEWER SYSTEMS, PRIVATE**

A water or sewer system (including plants) owned by an individual, corporation, or association for private use.

### **PUBLIC WATER AND SEWER SYSTEMS, PUBLIC**

A water or sewer system (including plants) owned and operated by a municipality or County or owned and operated by an individual or a corporation for public use.

### **WIND TURBINE**

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

### **WINERY**

Any establishment where vinous liquors are manufactured. A winery may include a tasting room and/or retail sales.

### **WOOD CHIPPING/GRINDING FACILITY**

A facility for the chipping, grinding, or mulching of wood products.  
[Added 11-14-2002]

### **WORSHIP, PLACES OF**

A place of worship or religious assembly with related facilities such as, but not limited to, the following in any combination; rectory or convent, social/meeting hall, offices for administration of the institution, licensed child or adult day care, playground, or cemetery.

### **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.

# Chapter 148- Zoning

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## **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.

## **ZONING DISTRICT**

The various classifications of agricultural, residential, commercial, industrial and other zoning categories provided for in this Ordinance, and the areas on the zoning map in which such different districts are mapped. As used in this Ordinance, the term “zoning district” can refer either to the zoning category or the areas mapped in such uses on the zoning map.

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.**

[Amended 2-11-2010]

A. 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	Residential Recreational District
B-1	Business General
M-1	Industrial (Light)
H-1	Historical Site District

B. On a parcel having multiple zoning district classifications (split zoned), the zoning district classification having the majority area within the parcel shall be used to determine usage and area requirements.

## **§ 148-5. Usages.**

TABLE OF USAGES INSERTED HERE

## **Article II. Conservation District C-1**

### **§ 148-56. Purpose.**

## Chapter 148- Zoning

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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,~~ 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.

### **§ 148-67. Use regulations.**

**See § 148-5. Usages.**

### **§ 148-78. Area regulations; exemptions.**

**[Amended 8-9-1991; 4-5-2007; 6-21-2007]**

Any division of land after the enactment of this provision (April 5, 2007) shall have 1 lot equal to 50% of the total acreage of said parcel. The aforesaid parcel shall have no further division and shall remain as 1 parcel. The remainder of the parcel may be further divided, provided each lot created shall be a minimum of 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, § ~~128-4B~~ in Subsection (3) of the definition of "subdivide," of the Northumberland County Subdivision Ordinance. The minimum area for permitted uses in family divisions shall be 80,000 square feet.

### **§ 148-89. Setback.**

**[Amended 4-5-2007; 6-21-2007]**

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.

### **§ 148-910. Frontage.**

**[Amended 4-5-2007; 6-21-2007]**

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.

### **§ 148-1011. Yards.**

**[Amended 4-5-2007; 6-21-2007]**

## Chapter 148- Zoning

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A. Side. The minimum side yard for the main structure and/or guest house shall be 75 feet, and the total width of the 2 required side yards shall be at least 150 feet. The minimum side yard for each accessory structure shall be 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 in family divisions 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 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 in family divisions shall be 8 feet.

### § 148-1112. 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.~~

A. Buildings may be erected up to a maximum height of 35 feet. The height limit for buildings may be increased up to 10 feet, provided that there are 2 side yards for each permitted use, each of which is 10 feet or more, plus 1 foot or more of side yard for each additional foot of building height over 35 feet. Chimneys, flues, cooling towers, water towers, church spires, belfries, cupolas, flagpoles and radio, television or communications aerials/towers not normally occupied are excluded from this limitation.

## Chapter 148- Zoning

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B. A public or semipublic building such as a school, church, library or hospital may be erected to a height in excess of 45 feet after public hearing and conditional approval by the Board of Supervisors.

C. No accessory building which is within 10 feet of any lot line shall be more than 1 story high.

### **§ 148-~~12~~13. 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~~14. Signs.**

Sign regulations shall conform to Article XIII of this chapter.

### **§ 148-~~14~~15. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-142.

### **§ 148-16. Additional regulations for clustering.**

A. Clustering allowed as a permitted use in the Conservation District shall have a density equal to the area regulation set forth in § 148-8.

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

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

D. A major water quality impact assessment shall be submitted to the Zoning Administrator.

### **§ 148-~~15~~17. Special provisions for corner lots.**

## Chapter 148- Zoning

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A. The side yard on the side facing the side street shall be ~~50-100~~ feet or more for both main and accessory structures. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line of 450 feet or more.

B. For family 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. The side yard on the side facing the side street shall be 50 feet or more for both main and accessory structures.

### **§ 148-1618. 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.~~

~~E. Grain elevators.~~

## **Article III. Agricultural District A-1**

### **§ 148-1719. 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 conserving~~ 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 ~~allowed in it~~ permitted only when it will benefit the immediate area without degrading the environment.

### **§ 148-1820. Use regulations.**

See § 148-5. Usages.

### **§ 148-1921. Area regulations.**

[Amended 6-21-2007]

## Chapter 148- Zoning

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For lots containing or intended to contain permitted uses, the minimum lot area shall be 1 acre. Public water and sewer systems shall be exempt from area regulations.

### **§ 148-2022. 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."

### **§ 148-2123. Frontage.**

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

### **§ 148-2224. 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 2 required side yards shall be at least 20 feet. The minimum side yard for each accessory structure shall be 4 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 8 feet.

### **§ 148-2325. 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.~~

## Chapter 148- Zoning

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A. Buildings may be erected up to a maximum height of 35 feet. The height limit for buildings may be increased up to 10 feet, provided that there are 2 side yards for each permitted use, each of which is 10 feet or more, plus 1 foot or more of side yard for each additional foot of building height over 35 feet. Chimneys, flues, cooling towers, water towers, church spires, belfries, cupolas, flagpoles and radio, television or communications aerials/towers not normally occupied are excluded from this limitation.

B. A public or semipublic building such as a school, church, library or hospital may be erected to a height in excess of 45 feet after public hearing and conditional approval by the Board of Supervisors.

C. No accessory building which is within 10 feet of any lot line shall be more than 1 story high.

### **§ 148-~~2426~~. 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-~~2527~~. Signs.**

Sign regulations shall conform to Article XIII of this chapter.

### **§ 148-~~2628~~. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-142.

### **§ 148-~~2729~~. 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 6 feet in height. Public utilities and signs requiring natural air circulation,

## Chapter 148- Zoning

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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 3 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 4 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-~~27.130~~. Additional regulations for clustering.**

[Added 6-21-2007]

A. Clustering allowed as a permitted use in the Agricultural District shall have a density equal to the area regulation set forth in § 148-21.

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

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

D. A major water quality impact assessment shall be submitted to the Zoning Administrator.

### **§ 148-~~2831~~. 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.

### **§ 148-~~2932~~. Exemption from rear yard regulations.**

## Chapter 148- Zoning

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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, commereial, public or private with or without restuarant.~~

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

~~CB. Seafood processing, Commerical Aquaculture.~~

~~D. Piers, commercial.~~

~~E. Grain elevators.~~

~~F. Private noncommereial piers.~~

~~[Added 8-13-1998]~~

~~G. Piers, community.~~

~~[Added 8-13-1998]~~

### **Article IV. Residential General District R-1**

#### **§ 148-~~3033~~. 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.~~~~

#### **§ 148-~~3134~~. Use regulations.**

~~See § 148-5. Usages.~~

#### **§ 148-~~3235~~. Area regulations.**

## Chapter 148- Zoning

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[Amended 3-9-1989; 6-21-2007]

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

### § 148-~~3336~~. 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-~~3437~~. Frontage.

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

### § 148-~~3538~~. 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 2 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 8 feet.

### § 148-~~3639~~. Height regulations.

~~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 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.~~

## Chapter 148- Zoning

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~~D. No accessory building which is within 10 feet of any party lot line shall be more than one story high.~~

~~A. Buildings may be erected up to a maximum height of 35 feet. The height limit for buildings may be increased up to 10 feet, provided that there are 2 side yards for each permitted use, each of which is 10 feet or more, plus 1 foot or more of side yard for each additional foot of building height over 35 feet. Chimneys, flues, cooling towers, water towers, church spires, belfries, cupolas, flagpoles and radio, television or communications aerials/towers not normally occupied are excluded from this limitation.~~

~~B. A public or semipublic building such as a school, church, library or hospital may be erected to a height in excess of 45 feet after public hearing and conditional approval by the Board of Supervisors.~~

~~C. No accessory building which is within 10 feet of any lot line shall be more than 1 story high.~~

### **§ 148-3740. 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 100 feet or more.~~

### **§ 148-41. Additional regulations for clustering.**

~~A. Clustering allowed as a permitted use in the Residential General District shall have a density equal to the Area Regulation set forth in § 148-35.~~

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

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

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

### **§ 148-3842. 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.~~

## Chapter 148- Zoning

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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-~~3943~~. Signs.

Sign regulations shall conform to Article XIII of this chapter.

### § 148-~~4044~~. Minimum off-street parking.

Minimum off-street parking shall conform to § 148-142.

### § 148-~~4145~~. 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]~~

## Article V. Residential Waterfront District R-2

### § 148-~~4246~~. 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.

### § 148-~~4347~~. Use regulations.

See § 148-5. Usages.

### § 148-~~4448~~. Area regulations.

~~[Amended 6-21-2007]~~

For lots containing or intended to contain permitted uses, the minimum lot area shall be 1 acre. Public water and sewer systems shall be exempt from area regulations.

### § 148-~~4549~~. Setback.

## Chapter 148- Zoning

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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."

### **§ 148-4650. Frontage.**

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

### **§ 148-4751. 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 2 required side yards shall be at least 20 feet. The minimum side yard for each accessory structure shall be 4 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 8 feet.

### **§ 148-4852. Height regulations.**

~~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 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.~~

A. Buildings may be erected up to a maximum height of 35 feet. The height limit for buildings may be increased up to 10 feet, provided that there are 2 side yards for each permitted use, each of which is 10 feet or more, plus 1 foot or more of side yard for each additional foot of building height over 35 feet. Chimneys, flues, cooling towers, water towers, church spires,

## Chapter 148- Zoning

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belfries, cupolas, flagpoles and radio, television or communications aerials/towers not normally occupied are excluded from this limitation.

B. A public or semipublic building such as a school, church, library or hospital may be erected to a height in excess of 45 feet after public hearing and conditional approval by the Board of Supervisors.

C. No accessory building which is within 10 feet of any lot line shall be more than 1 story high.

### **§ 148-~~4953~~. 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 100 feet or more.

### **§ 148-~~5054~~. 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-~~50-155~~. Additional regulations for clustering.**

**[Added 6-21-2007]**

A. Clustering allowed as a permitted use in the Residential Waterfront District shall have a density equal to the area regulation set forth in § 148-48.

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

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

D. A major water quality impact assessment shall be submitted to the Zoning Administrator.

## Chapter 148- Zoning

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### § 148-~~5156~~. Signs.

Sign regulations shall conform to Article XIII of this chapter.

### § 148-~~5257~~. Minimum off-street parking.

Minimum off-street parking shall conform to § 148-142.

### § 148-~~5358~~. 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]~~

## Article VI. Residential Restricted District R-3

### § 148-~~5459~~. 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-~~5560~~. Use regulations.

See § 148-5. Usages.

### § 148-~~5661~~. 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.

## Chapter 148- Zoning

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### **§ 148-5762. 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.

### **§ 148-5863. Yards.**

A. Side. The minimum side yard for the main structure and/or guest house shall be 5 feet, and the total width of the 2 required side yards shall be at least 10 feet. The minimum side yard for each accessory structure shall be 4 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 8 feet.

### **§ 148-5964. 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.

### **§ 148-6065. 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.

### **§ 148-6166. 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.

### **§ 148-6267. Signs.**

Sign regulations shall conform to Article XIII of this chapter.

## Chapter 148- Zoning

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### **§ 148-6368. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-142.

## **Article VII. Residential Recreational District R-4**

[**Added 2-11-2010** *Editor's Note: With this legislation, former Arts. VII through XVIII were redesignated as Arts. VIII through XIX, respectively, and former §§ 148-64 through 148-153 as §§ 148-76 through 148-165, respectively. ]*

### **§ 148-6469. Purpose.**

The purpose of this district is to allow for a wide range of open space, parks, and/or other leisure-time recreational activities and their related uses in a medium density residential development.

### **§ 148-6570. Use regulations.**

**See § 148-5. Usages.**

### **§ 148-6671. Area regulations.**

For lots containing or intended to contain permitted uses, the minimum lot area shall be 3/4 acre. Where both public sewer and water are available, the minimum lot area can be reduced to 1/2 acre. Public water and sewer systems shall be exempt from area regulations. Any area designated for open space, parks, and/or other leisure time recreational activities shall remain as open space in the event the recreational activity ceases.

### **§ 148-6772. 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."

### **§ 148-6873. Frontage.**

The minimum frontage for permitted uses shall be 125 feet at the building line. The building line shall not apply to clustering.

### **§ 148-6974. Yards.**

**A.** Side. The minimum side yard for the main structure and/or guesthouse shall be 10 feet, and the total width of the 2 required side yards shall be at least 20 feet. The minimum side yard for each accessory structure shall be 4 feet.

**B.** Rear. The minimum rear yard for the main structure and/or guesthouse shall be 25 feet. The minimum rear yard for each accessory structure shall be 8 feet.

## Chapter 148- Zoning

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### **§ 148-~~70~~75. Height regulations.**

~~Buildings may be erected up to a height of 35 feet. Chimneys, flues, cooling towers, flagpoles, church spires, belfries, cupolas, monuments, water towers, 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.~~

~~B. No accessory building which is within 10 feet of any party lot line shall be more than one story high.~~

A. Buildings may be erected up to a maximum height of 35 feet. The height limit for buildings may be increased up to 10 feet, provided that there are 2 side yards for each permitted use, each of which is 10 feet or more, plus 1 foot or more of side yard for each additional foot of building height over 35 feet. Chimneys, flues, cooling towers, water towers, church spires, belfries, cupolas, flagpoles and radio, television or communications aerials/towers not normally occupied are excluded from this limitation.

B. A public or semipublic building such as a school, church, library or hospital may be erected to a height in excess of 45 feet after public hearing and conditional approval by the Board of Supervisors.

C. No accessory building which is within 10 feet of any lot line shall be more than 1 story high.

### **§ 148-~~71~~76. 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-~~72~~77. Additional regulations for clustering.**

A. Clustering allowed as a permitted use in the Residential Recreational District shall have a density equal to the area regulation set forth in § 148-71.

## Chapter 148- Zoning

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

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

D. A major water quality impact assessment shall be submitted to the Zoning Administrator.

### **§ 148-7378. Septic regulations.**

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.

### **§ 148-7479. Signs.**

Sign regulations shall conform to Article XIII of this chapter.

### **§ 148-7580. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-142.

## **Article VIII. Business General District B-1**

*Editor's Note: Former Art. VIII, Industrial Light District M-1, was redesignated Art. IX, and former §§ 148-73 through 148-83, contained therein, were redesignated §§ 148-85 through 148-95, respectively, 2-11-2010.*

### **§ 148-7681. Purpose.**

It is the purpose of this district to promote light commercial expansion, development, and redevelopment in the existing business centers 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 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

## Chapter 148- Zoning

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congregation of people and passenger vehicles. ~~This includes such uses as retail stores, banks, theaters, business offices, restaurants, taverns, garages and service stations.~~

### § 148-~~7782~~. Use regulations.

See § 148-5. Usages.

### § 148-~~7883~~. 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-~~7984~~. 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-~~8085~~. Yards.

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

### § 148-~~8186~~. Height regulations.

A. Buildings may be erected up to a maximum height of 35 feet. The height limit for buildings may be increased up to 10 feet, provided that there are 2 side yards for each permitted use, each of which is 10 feet or more, plus 1 foot or more of side yard for each additional foot of building height over 35 feet. Chimneys, flues, cooling towers, water towers, church spires, belfries, cupolas, flagpoles and radio, television or communications aerials/towers not normally occupied are excluded from this limitation.

B. A public or semipublic building such as a school, church, library or hospital may be erected to a height in excess of 45 feet after public hearing and conditional approval by the Board of Supervisors.

C. No accessory building which is within 10 feet of any lot line shall be more than 1 story high.

~~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~~

## Chapter 148- Zoning

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~~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-~~8287~~. 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-~~8388~~. Signs.

~~Sign regulations shall conform to Article XIII of this chapter.~~

### § 148-~~8489~~. Minimum off-street parking.

~~Minimum off-street parking shall conform to § 148-142.~~

## Article IX. Industrial Light District M-1

## Chapter 148- Zoning

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*Editor's Note: Former Art. IX, Historical Site District, was redesignated Art. X, and former §§ 148-84 through 148-94, contained therein, were redesignated §§ 148-96 through 148-106, respectively, 2-11-2010.*

### **§ 148-8590. 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 primary purpose of this district is to establish an area where the principal land is for light industrial operations which are not ordinarily compatible with adjacent residential development.

### **§ 148-8691. Use regulations.**

See § 148-5. Usages.

~~[Amended 4-9-1987; 8-13-1998]~~

### **§ 148-8792. 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 3 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.

## Chapter 148- Zoning

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~~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.~~

### **§ 148-8893. 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.

### **§ 148-8994. 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."

### **§ 148-9095. 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.

### **§ 148-9196. 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 1 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.

### **§ 148-92. Coverage of lot.**

## Chapter 148- Zoning

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~~[Amended 7-9-1991]~~

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

~~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%.~~

### **§ 148-9397. 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.

### **§ 148-9498. Signs.**

Sign regulations shall conform to Article XIII of this chapter.

### **§ 148-9599. Minimum off-street parking.**

Minimum off-street parking shall conform to § 148-142.

## **Article X. Historical Site Overlay District (H-1)**

*Editor's Note: Former Art. X, Special Exceptions, was redesignated Art. XI, and former § 148-95, contained therein, was redesignated § 148-107, 2-11-2010.*

**[Added 3-9-1989]**

### **§ 148-96100. 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).~~

## Chapter 148- Zoning

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### **§ 148-97101. 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.

### **§ 148-98102. 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.

### **§ 148-99103. 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.

## Chapter 148- Zoning

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- (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-~~100~~104. 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-~~101~~105. 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.

## Chapter 148- Zoning

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(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-~~102~~106. 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-~~103~~107. 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.

## Chapter 148- Zoning

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(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-~~104~~108. 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-~~105~~109. 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.

## Chapter 148- Zoning

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### § 148-106110. 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 XI. Special Exceptions

*Editor's Note: Former Art. XI, Intensive Agricultural Livestock Operation, was redesignated Art. XII, and former §§ 148-96 through 148-103, contained therein, were redesignated §§ 148-108 through 148-115, respectively, 2-11-2010.*

### § 148-107. 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.~~

## Chapter 148- Zoning

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- ~~(4) Public or governmental buildings.~~
- ~~(5) Public amusements, including theaters.~~
- ~~(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, substations and transmission lines.~~
- ~~(11) Mobile home, used as a temporary office.~~
- ~~(12) Airports and airstrips.~~
- ~~(13) Automobile dismantling.~~
- ~~(14) Junkyards.~~
- ~~(15) Temporary buildings for use of sales, or rental office for an approved real estate development or subdivision.~~
- ~~(16) Commercial dog kennels.~~
- ~~(17) Nonaccessory tents for special purposes.~~
- ~~(18) Public billiard parlors and pool rooms.~~
- ~~(19) Bowling alleys.~~
- ~~(20) Dance halls.~~
- ~~(21) Marina/boatyard, commercial or private noncommercial or club type.~~
- [Amended 12-14-1989]**
- ~~(22) Marine railways.~~
- ~~(23) Hospitals.~~
- ~~(24) Hospitals, special care.~~

## Chapter 148- Zoning

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~~(25) Nursing homes.~~

~~(26) Family care homes, foster homes and group homes.~~

~~(27) Model home displays for conventional, modular, mobile, doublewide, etc., homes.~~

~~(28) Churches.~~

**[Added 7-9-1979]**

~~(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]**

~~(35) 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]~~

## **Article XI. Intensive Agricultural Livestock Operation**

*Editor's Note: Former Art. XII, Sign Regulations, was redesignated Art. XIII, and former §§ 148-104 through 148-110, contained therein, were redesignated §§ 148-116 through 148-122, respectively, 2-11-2010.*

[Added 4-11-1996]

### **§ 148-108111. 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 consistent with protecting water quality as required by law.

### **§ 148-109112. 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**

## Chapter 148- Zoning

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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) 300 slaughter and feeder cattle.
- (2) 200 mature dairy cattle.
- (3) 750 swine.
- (4) 150 horses.
- (5) 3,000 sheep and lambs, goats or similar animals.
- (6) 16,500 turkeys.
- (7) 30,000 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-~~110~~113. 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. 75 acres for slaughter or feeder cattle, dairy cows, swine, horses, sheep, lambs, goats or other similar animals.
- B. 25 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 XVI.

## Chapter 148- Zoning

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### **§ 148-~~111~~114. 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 10 foot-wide vegetative screen that will grow to at least 6 feet in height in 2 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 10 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-~~112~~115. 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 XVI, Nonconforming Uses, § 148-156C, 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.

## Chapter 148- Zoning

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(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.

## Chapter 148- Zoning

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(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-~~113~~116. 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

## Chapter 148- Zoning

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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-~~114~~117. 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-~~115~~118. 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.

## Chapter 148- Zoning

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(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 2 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 2 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 2 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.

### **Article XIII. Sign Regulations**

*Editor's Note: Former Art. XIII, Planned Unit Developments, was redesignated Art. XIV, and former §§ 148-111 and 148-112, contained therein, were redesignated §§ 148-123 and 148-124, respectively, 2-11-2010.*

#### **§ 148-~~116~~119. 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-~~118~~120 Definitions.**

**For definitions and word usage see §148-3A.**

#### **§ 148-~~117~~121. Outdoor advertising.**

No person, except a public officer or employee in performance of a public duty, shall paste, post, paint, print, ~~mail~~nail, 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-~~118~~122. Exceptions.**

## Chapter 148- Zoning

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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 information notices.~~

B. Memorial ~~or historical~~ 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 area 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 shall be located more~~ than ~~columns and supports shall be located between 3 1/2 and seven~~4 feet above-grade.

H. Signs placed by a public utility company showing the location of underground facilities.

I. ~~Temporary political signs and posters~~

J. ~~Temporary real estate signs advertising property for sale or rent less than 6 square feet in area.~~

K. ~~Signs identifying a single-family dwelling, its occupant(s), its location, or farm identification less than 10 square feet.~~

L. ~~Business hours signage on the wall less than 6 square feet in area.~~

M. ~~Signage on windows.~~

N. ~~Holiday flags/decorations.~~

O. ~~Temporary Signs- shall not exceed 32 square feet in area, and shall not be internally or externally illuminated.~~

~~§ 148-123~~ **§ 148-123 Measurement of sign area.**

## Chapter 148- Zoning

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Sign area shall include the entire face of the sign (1 side only) including frame, if any, but shall not include the supporting structure unless they include advertising. Where the sign consists of individual 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 2 or more faces, or panels, the area of all faces or panels shall be included in determining the area of the sign, except where 2 such faces are placed back-to-back or at a 45 degree interior angle, or less.

### **§ 148-~~119~~124. Permitted signs.**

Signs will be permitted in various districts as follows:

#### A. Conservation District C-1.

1. Free Standing Signs- Each parcel shall be permitted 1 freestanding sign per parcel provided all other standards are met.
  - i. Pole- Free Standing Signs
    1. Any pole free standing sign located within this district shall not exceed 25 square feet in sign area.
    2. The maximum height for a pole freestanding sign shall not exceed 15 feet above grade.
  - ii. Monument- Free Standing Signs
    1. Any monument free standing sign located within this district shall not exceed 32 square feet in sign area.
    2. The maximum height for a monument freestanding sign shall not exceed 6 feet above grade.
2. On Structure Signs
  - i. Wall Signs
    1. For wall signs mounted flat on the building: a maximum of 100 square feet.
    2. On structure signs shall not project above the eaves line for buildings with pitched roofs. Wall signs may extend above a roofline only when attached to a parapet wall or similar structure that is an approved architectural component of the structure.
    3. Wall signs shall not extend beyond the sides of the building, nor should the depth of the sign exceed 1 foot from the wall face.
  - ii. Projecting Signs
    1. For projecting signs: a maximum of 12 square feet.
    2. The top of projecting signs shall not be higher than the eave line and the bottom shall not be lower than 8 feet above grade.
    3. Projecting signs shall not project more than 4 feet from the wall on which they are mounted.
  - iii. Canopy or Awning Signs- For canopy or awning signs: a maximum of 50 square feet.

## Chapter 148- Zoning

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~~(1) Business signs.~~

~~(2) Church bulletin boards and identification signs.~~

~~(3) Directional signs.~~

~~(4) Home occupation signs, with a total surface not to exceed eight square feet per sign.~~

~~(5) Temporary signs.~~

### B. Agricultural District A-1.

1. Free Standing Signs- Each parcel shall be permitted 1 freestanding sign per parcel provided all other standards are met.

iv. Pole- Free Standing Signs

1. Any pole free standing sign located within this district shall not exceed 50 square feet in sign area.

2. The maximum height for a pole freestanding sign shall not exceed 15 feet above grade.

v. Monument- Free Standing Signs

1. Any monument free standing sign located within this district shall not exceed 64 square feet in sign area.

2. The maximum height for a monument freestanding sign shall not exceed 8 feet above grade.

2. On Structure signs

vi. Wall Signs

1. For wall signs mounted flat on the building: a maximum of 100 square feet.

2. On structure signs shall not project above the eaves line for buildings with pitched roofs. Wall signs may extend above a roofline only when attached to a parapet wall or similar structure that is an approved architectural component of the structure

3. Wall signs shall not extend beyond the sides of the building, nor should the depth of the sign exceed 1 foot from the wall face.

vii. Projecting Signs

1. For projecting signs: a maximum of 12 square feet.

2. The top of projecting signs shall not be higher than the eave line and the bottom shall not be lower than 8 feet above grade.

3. Projecting signs shall not project more than 4 feet from the wall on which they are mounted.

viii. Canopy or Awning Signs- For canopy or awning signs: a maximum of 50 square feet.

~~(1) Business signs.~~

~~(2) Church bulletin boards and identification signs.~~

## Chapter 148- Zoning

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~~(3) Directional signs.~~

~~(4) Home-occupation signs.~~

~~(5) Temporary signs.~~

C. Residential R-1, and Residential Waterfront R-2, and Residential Recreational R-4 Districts.

1. Free Standing Signs- Each parcel shall be permitted 1 freestanding sign per parcel provided all other standards are met.

ix. Pole- Free Standing Signs

1. Any pole free standing sign located within this district shall not exceed 25 square feet in sign area.

2. The maximum height for a pole freestanding sign shall not exceed 15 feet above grade.

x. Monument- Free Standing Signs

1. Any monument free standing sign located within this district shall not exceed 32 square feet in sign area.

2. The maximum height for a monument freestanding sign shall not exceed 6 feet above grade.

2. On Structure signs

xi. Wall Signs

1. For wall signs mounted flat on the building: a maximum of 100 square feet.

2. On structure signs shall not project above the eaves line for buildings with pitched roofs. Wall signs may extend above a roofline only when attached to a parapet wall or similar structure that is an approved architectural component of the structure

3. Wall signs shall not extend beyond the sides of the building, nor should the depth of the sign exceed 1 foot from the wall face.

xii. Projecting Signs

1. For projecting signs: a maximum of 12 square feet.

2. The top of projecting signs shall not be higher than the eave line and the bottom shall not be lower than 8 feet above grade.

3. Projecting signs shall not project more than 4 feet from the wall on which they are mounted.

xiii. Canopy or Awning Signs- For canopy or awning signs: a maximum of 50 square feet.

~~(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 bulletin boards and identification signs, with a total surface area not exceeding 40 square feet per sign.~~

## Chapter 148- Zoning

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~~(3) Directional signs, with a total surface area not exceeding four square feet per sign.~~

~~(4) Temporary signs, with special permission from the Zoning Administrator.~~

### D. Business B-1 and Industrial M-1 Districts.

1. Free Standing Signs- Each parcel shall be permitted 1 freestanding sign per parcel provided all other standards are met.

xiv. Pole- Free Standing Signs

1. Any pole free standing sign located within this district shall not exceed 50 square feet in sign area.

2. The maximum height for a pole freestanding sign shall not exceed 15 feet above grade.

xv. Monument- Free Standing Signs

1. Any monument free standing sign located within this district shall not exceed 64 square feet in sign area.

2. The maximum height for a monument freestanding sign shall not exceed 8 feet above grade.

2. On Structure signs

xvi. Wall Signs

1. For wall signs mounted flat on the building: a maximum of 100 square feet.

2. On structure signs shall not project above the eaves line for buildings with pitched roofs. Wall signs may extend above a roofline only when attached to a parapet wall or similar structure that is an approved architectural component of the structure

3. Wall signs shall not extend beyond the sides of the building, nor should the depth of the sign exceed 1 foot from the wall face.

xvii. Projecting Signs

1. For projecting signs: a maximum of 12 square feet.

2. The top of projecting signs shall not be higher than the eave line and the bottom shall not be lower than 8 feet above grade.

3. Projecting signs shall not project more than 4 feet from the wall on which they are mounted.

xviii. Canopy or Awning Signs- For canopy or awning signs: a maximum of 50 square feet.

~~(1) Business signs.~~

~~(2) Church bulletin boards and identification signs.~~

~~(3) Directional signs.~~

~~(4) General advertising signs.~~

~~(5) Home occupation signs.~~

## Chapter 148- Zoning

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~~(6) Temporary signs.~~

### ~~§ 148-125~~ Shopping Centers or multi-business

Shopping centers with 5 or more establishments shall be permitted either one pole style or monument style sign. No separate business sign shall be permitted; however, individual on structure signs shall be permitted by the corresponding zoning district as described in § 148-124 A-D.

Pole signs for shopping centers with 5 or more establishments shall be permitted up to 75 square feet of sign area and 15 feet in height.

Monument signs for shopping centers with 5 or more establishments shall be permitted up to 100 square feet of sign area and 10 feet in height.

### ~~§ 148-126~~ Residential Subdivisions, Multi-Dwelling Complexes, Planned Unit Developments

Residential Subdivisions, multi-family dwelling complexes, and planned unit developments are allowed one freestanding monument sign per entrance that does not exceed 10 in height and 60 square feet in area.

### ~~§ 148-120~~127. Setback.

Signs shall be located 15-5 feet or more from 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 or construction contractor signs which may be erected up to the property line.

### ~~§ 148-121.~~ 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. obstruct required highway sight distances and shall not extend into or over any street right-of-way.

### ~~§ 148-128~~ Illumination.

Signs shall not have reflective backgrounds but may use reflective lettering.

Digital or electronically controlled message signs shall only be allowed on monument freestanding signs. Digital or electronically controlled message components shall comprise no more than 50 percent or 50 square feet, whichever is less, of the sign area. No flashing or scrolling text and/or graphics shall be permitted and, with the exception of the date, time and temperature, no text message or graphic shall be displayed for an interval of less than 4 seconds.

## Chapter 148- Zoning

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Pole and monument signs may be illuminated internally. When illuminated externally the light source(s) must be shielded from any roads and adjacent property and directed solely at the sign.

### § 148-~~129~~129 Redevelopment.

Reconstruction or relocation of signs shall be required under the following circumstances. Required improvements shall bring on-site signage into compliance.

1. Site improvements or other improvements are made which require movement of an existing sign.
2. Any sign is replaced, refaced, remodeled or otherwise altered.
3. Existing signs interfere with required highway sight distances.

### § 148-~~122~~130. Additional restrictions.

No sign shall be erected, maintained, located, 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  $\frac{1}{2}$  and 8 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 contains lighting which is not effectively aimed or 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.

## Article ~~XIII~~V. Planned Unit Developments

*Editor's Note: Former Art. XIV, Additional Regulations, was redesignated Art. XV, and former §§ 148-113 through 148-126, contained therein, were redesignated §§ 148-125 through 148-138, respectively, 2-11-2010.*

### § 148-~~123~~131. Purpose.

## Chapter 148- Zoning

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~~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 a planned unit development (PUD) 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 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.~~

### **§ 148-132. Goals of the Planned Unit Development District**

The PUD 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.

### **§ 148-133. Area and density regulations.**

The area and density regulations are as follows:

- A. There shall be a net open space of at least 50% and shall contain no more than 35% impervious surfaces.
- B. Low impact Development (LID) features shall be incorporated into the site design to maintain the pre-development hydrology.

## Chapter 148- Zoning

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C. A Major Water Quality Impact Assessment shall be submitted to the Zoning Administrator for appropriate action prior to issuance of a building permit. (Reference §54-28 Chesapeake Bay Preservation Area Ordinance).

D. Density shall be determined by the allowable density of the zoning district in which the proposed development will be located. In the case that the proposed development will be located on multiple parcels , the density shall be determined by the allowable density of the zoning district for each parcel. The allowable density of the proposed development will be the sum of the calculated densities for the multiple zoning districts. Greater densities for each respective zoning district may be granted by the Board of Supervisors.

### **§ 148-134. Design standards**

The following standards shall apply:

- A. A plat may contain 1 or more cluster groups.
- B. 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 some multi-family dwellings, the outer perimeter shall be defined as an area encompassed by a line drawn around the units.
- C. 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.
- D. All lots in a cluster group shall take access from interior roads.
- E. In locating cluster groups, disturbance to woodlands and individual mature trees should be minimized.
- F. Vegetative buffers are required to provide screening.
  - (1). A planted buffer area at least 35 feet in width and 8 feet in height shall be established within all required separation areas between external roads and cluster groups and along all boundaries.
  - (2). Planted buffers within separation areas between cluster groups are encouraged to enhance privacy and a rural appearance between lots.
  - (3). A buffer strip consisting of natural or supplemental woody vegetation at least 35 feet in depth shall be provided between any lot within the development and any lot, parcel or tract of land located outside the development.
- G. Residences may be located in the same building with a commercial establishment. Residences can be above the business, below it, or attached to it.

## Chapter 148- Zoning

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H. A Property Owners Association (POA) 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 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.
- 2) All common property shall be deeded to a POA. The exception is when part of the common property is established as an agriculture or forestry lot and therefore dedicated to that purpose or a conservation purpose and precluded from further subdivision. The developer shall file a declaration of covenants and restrictions that will govern the POA with the application for tentative plat approval.
- 3) The Property Owners Association, including covenants and restrictions, must be set up and legally constituted prior to the sale of any lot, dwelling unit or other structure located within the PUD.
- 4) All covenants and restrictions must be permanent and run with the land.

### **§ 148-135. Streets, sidewalks and bikeways.**

(A). All streets shall be constructed in conformance with Virginia Department of Transportation subdivision road standards.

(B). Any sidewalks provided shall be at least 4 feet in width.

### **§ 148-136. Utilities.**

All utilities serving the development, 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 development through the Property Owners Association. Public or centralized sanitary sewer and water systems shall be constructed in accordance with the VA Department of Health requirements.

### **§ 148-137. Minimum off-street Parking.**

Minimum off-street parking shall conform to § 148-142.

### **§ 148-138. Lighting.**

Lighting regulations shall conform to Article XV § 148-144 of this ordinance.

### **§ 148-139. Signs.**

## Chapter 148- Zoning

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Sign regulations shall conform to Article XIII of this chapter.

### § 148-140. Administration.

A. Applicant. The applicant for PUD zoning shall be the owner of the site, or if more than 1, 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. Site Plan and Application for a PUD. An application for residential planned unit development shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator and provided for that purpose.

(1). A site plan; which should, as a minimum contain the following items:

### § 148-124. Site plan.

~~A schematic site plan shall be submitted to the Planning Commission 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. The schematic plan should be drawn to scale showing the existing physical features of the proposed development. The schematic plan should, as a minimum, contain:~~

Aa. Title of the project.

Bb. Name and address of owners.

Cc. Location of the site by an insert map at a scale of no less than 1 inch equals 2,000 feet.

Dd. 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.

Ee. Boundary survey of the site of a plan drawn to scale.

Ff. Location and dimension of existing structures, Aa all existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities, watercourses and their names and owners.

Gg. Location of all entrances to the site.

H.h Proposed sewage disposal system.

i. Stormwater management plan including LID analyses, location of drainage and LID facilities and percentage of impervious surface.

## Chapter 148- Zoning

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Hj. Solid waste disposal system.

Ik. Water supply and distribution plan.

Kl. Fire protection plan.

Ln. Provisions for off-street parking, including areas for recreational vehicles, boats, etc.

Mn. Location of each building on the site, including any accessory buildings, utility lines, streetlights, etc.

No. Size of each building height and number of stories.

Op. For a multifamily residential development, the number, size and type of dwelling unit, location, type and percentage of total acreage of recreational facilities.

Pq. Location and general design and width of all driveways, curb cuts, bikeways, and sidewalks.

Or. Location and identification of all other proposed facilities i.e., swimming pools, tennis courts, etc.

Rs. Any flood areas, the RPA and buffer zones, if applicable, ~~and location of drainage facilities~~.

t. Primary conservation areas such as wetlands, and steep slopes, historic and archeological sites,

u. 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.

v. Landscaping, screening, and lighting plans.

w. Traffic impacts and the results of VDOT consultations.

S. ~~Additional information may be requested.~~

(2). An Inventory and Site Analysis.

(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.

## Chapter 148- Zoning

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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.

### **Article XIV. Additional Regulations**

*Editor's Note: Former Art. XV, Nonconforming Uses, was redesignated Art. XVI, and former §§ 148-127 through 148-134, contained therein, were redesignated §§ 148-139 through 148-146, respectively, 2-11-2010.*

#### **§ 148-~~125~~141. 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-~~126~~142. 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 1 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 3 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.

## Chapter 148- Zoning

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F. For retail stores selling directly to the public, 1 parking space for each 200 square feet of retail floor space in the building.

G. Parking spaces for post offices, 1 for each 50 box holders but not less than 10 spaces.

H. Restaurants, 1 parking space per table or booth, plus 6 for employees.

I. For motels, hotels, tourist homes and boardinghouses, 1 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 1 parking space for each 100 square feet of business floor space in the building.

K. For industrial plants, 1 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. Any lights used to illuminate said parking areas shall be so arranged as to reflect lights away from adjoining premises as required by §148-144.

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-~~127~~143. 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 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.

## Chapter 148- Zoning

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### **§ 148-~~128~~144. 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, fully shielded, and arranged so as not to direct glare on adjoining streets, or properties. For zoning districts C-1, A-1 and all residential districts, the intensity at adjoining streets or residential properties shall not exceed 5.38 lux. For zoning districts B-1 and M-1, the intensity at adjoining streets or properties, the intensity shall not exceed 16.15 lux. If the intensity on adjoining property lines does not exceed the lux previously mentioned, then lighting does not need to be shielded.~~
- ~~B. 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.~~

### **§ 148-~~129~~145. Environmental protection.**

~~Activities must comply with all local, state, and federal regulations.~~

~~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-~~130~~146. Screening.**

## Chapter 148- Zoning

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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 warehouses.~~

~~I.H. Asphalt or concrete batching plants.~~

~~J.I. Concrete works.~~

~~K.J. Truck and motor freight terminals.~~

~~K.Auto/truck dismantling or junkyards~~

~~L. Shipping Containers~~

### **§ 148-~~131~~147. 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.

## Chapter 148- Zoning

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G. Contractor equipment storage yards.

H. Asphalt or concrete batching plants.

I. Concrete works.

J. Swimming or tennis clubs, commercial.

K. Swimming pools, private.

L. ~~Auto/truck dismantling or junkyards.~~

### **§ 148-~~132~~148. 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. B.~~ Marinas, public or private, nonecommercial with or without restaurants: 25 feet.

~~D. C.~~ Seafood processing, commercial aquaculture: 50 feet.

~~E. D.~~ Sawmills and wood chipping/grinding facility: 100 feet.

**[Amended 11-14-2002]**

~~F. E.~~ Light industry: 25 feet.

~~G. F.~~ Portable sawmills: 100 feet.

~~H. G.~~ Food processing and canning: 50 feet.

~~I. H.~~ Sand and gravel pits: 50 feet.

~~J. I.~~ Commercial feed lots: 100 feet.

~~K. J.~~ Livestock markets: 100 feet.

~~L. K.~~ Contractors' equipment storage yard: 25 feet.

~~M. L.~~ Storage warehouse: 25 feet.

~~N. M.~~ Asphalt or concrete batching plant: 50 feet.

## Chapter 148- Zoning

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O.N. Boat building: 50 feet.

P.O. Concrete works: 50 feet.

Q.P. Flour mill and grain milling: 25 feet.

### **§ 148-133149. 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.B. Marinas, public or private, noncommercial with or without restaurants: 25 feet.

~~D.C. Seafood processing, commercial aquaculture: 25 feet.~~

E.D. Sawmills and wood chipping/grinding facility: 50 feet.

**[Amended 11-14-2002]**

F.E. Light industry: 25 feet.

G.F. Portable sawmills: 50 feet.

H.G. Food processing and canning: 25 feet.

I.H. Sand and gravel pits: 50 feet.

J.I. Commercial feed lots: 50 feet.

K.J. Livestock markets: 50 feet.

L.K. Contractor equipment storage yard: 25 feet.

M.L. Storage warehouse: 10 feet.

N.M. Asphalt or concrete batching plant: 25 feet.

O.N. Boat building: 25 feet.

P.O. Concrete works: 25 feet.

Q.P. Flour mills and grain milling: 25 feet.

## Chapter 148- Zoning

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### **§ 148-~~134~~150. 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. Open-sided shelter roofs or gazebo-type structures shall not be placed on private noncommercial piers.

**[Added 7-13-2006 Editor's Note: This legislation also relettered former Subsection B, regarding commercial piers and piers associated with marinas, as Subsection C. ]**

C. 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-~~135~~151. 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, 2 adjacent property owners may construct 1 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.

## Chapter 148- Zoning

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(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 4 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-~~136152~~. 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 3 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.

## Chapter 148- Zoning

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(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 50 foot wide evergreen vegetated buffer shall be maintained from all adjacent roads, and a 25 foot wide evergreen vegetated buffer shall be maintained from all adjacent properties. The vegetated buffer shall be a minimum of 6 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 1 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 6 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-~~153~~153 Travel trailers.

Travel trailers shall meet the following requirements:

A. Travel trailer units shall be tied into an approved Health Department sewerage system unless they are located in an area (campground or subdivision) which has a dumping

## Chapter 148- Zoning

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station approved by the Health Department, or are located on the same property and adjacent to the main residence and no compensation is involved.

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

**C. No full time occupancy allowed.**

### **§ 148-~~137~~154. 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~~conditional use 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.** ~~There shall be~~ 3 off-street parking spaces ~~shall be~~ provided for every 4 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-~~138~~155. (Reserved)**

*Editor's Note: Prior to its redesignation as § 148-138, 2-11-2010, this section was designated § 148-126, Sludge and sludge storage facilities, which was repealed 2-19-2004. See now Ch. 39, Biosolids.*

## **Article XVI. Nonconforming Uses**

## Chapter 148- Zoning

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### **§ 148-~~139~~156. Continuation of existing use.**

*Editor's Note: Former Art. XVI, Permits and Certificates, was redesignated Art. XVII, and former §§ 148-135 through 148-140, contained therein, were redesignated §§ 148-147 through 148-152, respectively, 2-11-2010.*

A. If at the time of enactment of this chapter 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 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 2 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-~~140~~157. 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 8-13-1998. 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 1 year after the effective date of this chapter.*

### **§ 148-~~141~~158. 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-~~142~~159. Changes in district boundaries.**

## Chapter 148- Zoning

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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-~~143160~~. Expansion or enlargement.**

**[Amended 6-21-2007]**

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. Where 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 cannot comply with the setback, yard, height and other provisions of this chapter relating to the zoning district in which the lot is located, the Zoning Administrator may waive any one or all of these requirements and allow use of any or all of the setback, side and rear yard lines as required in the appropriate zoning district as of June 21, 2007.

### **§ 148-~~144161~~. Nonconforming unimproved lots.**

A. Notwithstanding any other provision of this chapter, any unimproved lot legally of record in this County prior to June 21, 2007, 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.

**[Amended 6-21-2007]**

B. Where any such unimproved lot recorded as of June 21, 2007 cannot meet the setback, side and rear yard lines herein established, the Zoning Administrator may waive any one or all of these requirements and allow use of any or all of the setback, side and rear yard lines as required in the appropriate zoning district as of June 21, 2007. Where any such unimproved lot cannot meet the setback, side and/or rear yard lines herein established or required on June 21, 2007, 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.

**[Amended 6-21-2007]**

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 by 35 feet or more for both main and accessory buildings and instead are allowed a minimum of 10 feet.

**[Added 7-9-1979]**

## Chapter 148- Zoning

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### **§ 148-~~145~~162. 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, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge six feet in height.

### **§ 148-~~146~~163. 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.

## **Article XVII. Permits and Certificates**

*Editor's Note: Former Art. XVII, Provisions for Appeal, was redesignated Art. XVIII, and former §§ 148-141 through 148-147, contained therein, were redesignated §§ 148-153 through 148-159, respectively, 2-11-2010.*

### **§ 148-~~147~~164. 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.

## Chapter 148- Zoning

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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-~~148~~165. 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-~~149~~166. 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 1 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.

## Chapter 148- Zoning

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### ~~§ 148-150. 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-~~151~~167. 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 § 148-161 hereof.

### § 148-~~152~~168. 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 or conditional 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.

## Article XVIII. Provisions for Appeal

*Editor's Note: Former Art. XVIII, Administration, Interpretation and Enforcement, was redesignated Art. XIX, and former §§ 148-148 through 148-153, contained therein, were redesignated §§ 148-160 through 148-165, respectively, 2-11-2010.*

### § 148-~~153~~169. 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

## Chapter 148- Zoning

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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 may be an active member of the Commission.

**[Amended 6-9-2011]**

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-~~154~~170. Powers and duties.**

**[Added 8-13-1998]**

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:

## Chapter 148- Zoning

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(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.

## Chapter 148- Zoning

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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-~~155~~171. 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-~~156~~172. 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

## Chapter 148- Zoning

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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 60 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-~~157~~173. 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-~~158~~174. 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

## Chapter 148- Zoning

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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-~~159~~175. 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.

[Added 8-13-1998]

## **Article XIII~~X~~. Administration, Interpretation and Enforcement**

### **§ 148-~~160~~176. Permits or licenses not in compliance with chapter.**

## Chapter 148- Zoning

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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-~~161~~177. 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 \$10 nor more than \$1,000. 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 \$10 nor more than \$1,000, and any such failure during any succeeding 30 period shall constitute a separate misdemeanor offense for each thirty-day period, punishable by a fine of not less than \$10 nor more than \$1,000.

### **§ 148-~~162~~178. 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. 1).*

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

## Chapter 148- Zoning

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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 1 year after the previous denial.

**[Added 11-12-1992; amended 9-9-1993]**

### **§ 148-~~163179~~. Enforcement.**

**[Amended 8-13-1998]**

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-~~164180~~. 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-~~165181~~. 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.

## Chapter 148- Zoning

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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.