Town Zoning Ordinance
of
The Town of Eastville, Virginia

Prepared by:

Eastville Planning Committee

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Adopted on March 14, 1995 by:

Eastville Town Council

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With Technical Assistance by:

Accomack-Northampton Planning District Commission
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Town of Eastville Zoning Ordinance as duly adopted by the Eastville Town Council in regular session on March 14, 1995.

Certification: _____ 11-13-95
Edgar Sturgis, Mayor Date

Teste: _____ 11-13-95
Town Clerk Date

The effective date of this ordinance shall be from and after its adoption by the Eastville Town Council, and its provisions shall be enforced thereafter until repealed or amended.

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ARTICLE I - IN GENERAL

Section 1-1 Authority to Establish Zoning; Official Title: This ordinance, to be cited as the Zoning Ordinance of the Town of Eastville, Virginia, is hereby ordained, enacted and published by the Town Council of Eastville, Virginia, pursuant to the provisions of Title 15.1, Chapter 11, Article VIII of the Code of Virginia, 1950, as amended.

Section 1-2 Repeal of Conflicting Ordinances: All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. Specifically, this shall repeal the Zoning Ordinance of Eastville, Virginia, adopted in 1983, along with all subsequent amendments thereto.

Section 1-3 Conflict With Other Laws: Whenever these standards are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, deed restrictions, covenants or ordinances, the most restrictive, or that imposing the highest standards shall govern.

Section 1-4 Town and County Liability: The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by the Town of Eastville nor the County of Northampton, which administers zoning control, of the suitability of such land or structure for developing or use.

Section 1-5 Severability Clause: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof other than that part so declared to be unconstitutional or invalid.

Section 1-6 Purpose and Intent: This ordinance, insofar as is practicable, is intended to be in accord with and to implement the goals, objectives and policies set forth in the Comprehensive Plan of the Town of Eastville adopted by the Town Council of Eastville.

The regulations that follow are part of a comprehensive and long-range program to guide and facilitate the orderly and economical growth of the community and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. Most specifically, the purpose of these regulations is to:

A. Provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;

B. Reduce or prevent congestion in the public streets;

C. Facilitate the creation of a convenient, attractive and harmonious community;

D. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

E. Protect against destruction of or encroachment upon historic areas;

F. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities or natural resources 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. Provide for the preservation of agricultural and forestal lands;

I. Provide for the orderly development of the Town in order to conserve valuable natural resources including agricultural land, wetlands, waters and wildlife;

J. Allow for the provision within the Town of a supply of safe, sanitary housing, in suitable environments, with a balance and variety of types adapted to age groups and family structures;

K. Allow for the excavation or mining of soil or other natural resources; and

L. Reduce or prevent sedimentation and soil erosion from nonagricultural lands.

Section 1-7 Nonexclusionary Intent: It is not the intent of this ordinance to exclude any economic, racial, religious or ethnic group or persons with disabilities from enjoyment or residence, land ownership, or tenancy within the Town; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of economic, racial, religious or ethnic groups, or persons with disabilities; nor is it the intent of this ordinance to use public powers in any way to deny anyone the otherwise lawful use of the resources within the Town of Eastville based upon family status, except as may be the incidental result of meeting the purpose outlined in Section 1-6 herein.

Section 1-8 Territory Affected: This ordinance shall apply to all lands, wetlands, and water areas within the corporate limits of the Town of Eastville.

Section 1-9 Enumeration of Districts: For the purpose of this ordinance, those areas under County or Town Zoning Control, as determined in accordance with the provisions in Section 1-6 are hereby divided into the following zoning districts:

Primary Districts:

Residential - 20 District	"R-20"
Residential - 11 District	"R-11"
Residential - Mixed District	"RM"
Commercial - Neighborhood District	"CN"
Commercial - General District	"CG"

Supplementary District:

Chesapeake Bay Preservation Area Overlay District	"CBPA"

Locations of these districts can be found in Figure 1, page 61, and Figure 2, page 62. A graphic illustration of lot and yard requirements can be found in Figure 3, page 103.

Section 1-10 Provisions for Official Zoning Map: The boundaries of the zoning districts are shown on the official zoning map of Eastville, Virginia, which together with all notations, amendments, and explanatory matter thereon are hereby made a part of this ordinance. The official zoning map shall be attested by the signature of the Mayor, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator where it shall be accessible to the general public. An exact copy of such map shall be filed with the Clerk of the Circuit Court of Northampton County, Virginia.

Section 1-10.1 Changes or Amendments: If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the change has been approved by the Town Council, or no more than ten (10) days after approval. Such changes shall be attested by the initials of the Zoning Administrator and the date of entry. A paper copy of such map or maps shall be filed with the Clerk of the Circuit Court of Northampton County. Changes to this ordinance which involve matters portrayed on the official zoning map shall become effective immediately upon being entered onto the official zoning map. No change of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided under Article 4.6.

Section 1-10.2 Replacement: In the event that any or all of the official zoning maps becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new official zoning map. The new official zoning map may correct drafting or other errors, or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be attested by the signature of the Mayor and shall be witnessed. Unless the prior official zoning map or maps have been lost or totally destroyed, the prior map or maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment, if any, of the prior map or maps.

Section 1-11 Application and Interpretation of District Boundaries: Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

A. Unless otherwise indicated, district boundaries indicated as approximately following the center lines of existing or proposed roads, streets, highways, alleys or railroads; mean low water or center lines, as indicated, of streams, ponds, drainage ditches, or other natural and man-made bodies of water; property lines, or civil boundaries, shall be construed to follow such lines. In the event of change in shorelines, the boundary shall be construed as moving with the actual shoreline.

B. Boundaries indicated as parallel to or extensions of features indicated in subsection (a) shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

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 size of the scale shown on the official zoning map.

D. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of Article 6.

E. Where the exact location of district boundaries is not clear after application of the rules presented, the Board of Zoning Appeals shall hear and decide such questions in accordance with the provisions of Article 6.

F. In case any territory has not been specifically included within a district or where territory becomes a part of the incorporated area of Eastville by annexation from unincorporated territory in Northampton County, such territory shall automatically be classified in the most restrictive contiguous district until otherwise classified.

Section 1-12 Application of District Regulations: The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.

B. No building shall hereafter be erected, constructed, or altered so as to exceed height or bulk limits to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower to smaller rear yards, front yards, side yards, or other open spaces than herein specified.

C. No new yard or lot shall hereafter be created nor shall any yard or lot existing at the time of enactment of this ordinance be altered so that width, depth, or area requirements; front side, or rear requirements; or other requirements of this ordinance are not maintained, except when a portion of a lot is acquired for public use.

D. No part of a yard, other open space, off street parking space, or loading space required about or in connection with any building shall be included as part of a yard, other open space, off street parking space, or loading space for another building, except as provided hereinafter.

E. Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six (6) months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.

ARTICLE II - DEFINITIONS

Section 2-1 General Usage: For the purpose of this ordinance, certain words and terms are herein defined as follows.

Section 2-1.1: Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

Section 2-1.2: The word "may" is permissive.

Section 2-1.3: The word "shall" is mandatory.

Section 2-1.4: Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Section 2-1.5: The word "building" includes the word "structure;" the word "lot" includes the words "plot" and "parcel."

Section 2-1.6: The word "used" shall be deemed also to include "designed," "erected," "reconstructed," "altered," "placed," or "moved."

Section 2-1.7: The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building."

Section 2-1.8: The word "State" means the Commonwealth of Virginia.

Section 2-1.9: The word "Town" means the incorporated Town of Eastville of Northampton County, Commonwealth of Virginia, and the terms "town boundary" means any exterior boundary of the incorporated Town of Eastville.

Section 2-1.10: The word "County" means the County of Northampton, Commonwealth of Virginia, and the terms "county boundary" means any exterior boundary of the county or any boundary of unincorporated territory within the county.

Section 2-1.11: The word "person" includes a firm, association, organization, partnership, trust, company, corporation, partnership and bodies politic and corporate as well as an individual.

Section 2-1.12: The words "Board of Appeals" shall mean the Board of Zoning Appeals of the Town of Eastville.

Section 2-1.13: The words "Planning Commission" shall mean the Joint Local Planning Commission of Northampton County, Virginia.

Section 2-1.14: The words "Town Council" shall mean the governing body of the Town of Eastville.

Section 2-1.15: The term "Code of Virginia" shall include "as amended."

Section 2-1.16: The word "adjacent" means nearby or next to and not necessarily "contiguous."

Section 2-2 Interpretation by Zoning Administrator: In case of any dispute over the meaning of a word, phrase, or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this ordinance as set forth in Article 1, provided, however, that an appeal may be taken from any such determination as provided in Section 6-3.B.

Section 2-3 Specific Definitions:

Access or Accessway: A way or means of approach or admission.

Accessory Use or Structure: A use or structure which is (a) clearly incidental to and customarily found in connection with the principal use and structure; (b) is subordinate to and serves the principal use or structure; (c) is located on the same lot or parcel as the principal use or structure; (d) is not, in any case of accessory structures, attached by any common wall or by a common roof to a principal structure.

Accessory Dwelling Unit: A portion of a structure occupied by one (1) or more persons as tenants of the resident owner of the main structure.

Administrator, The: The Zoning Administrator for the Town of Eastville.

Agricultural lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying floriculture; or raising of poultry and/or livestock.

Agriculture: The use of land, buildings and structures for forestry, dairying, pasturages, field crops, vegetables, fruit or sod growth, horticulture, floriculture and the raising of livestock and poultry.

Alley: A permanent service-way providing a secondary means of vehicular access to abutting properties or structures and not intended for general traffic circulation.

Alteration: Any change in the total floor area, use or design of an existing structure.

Amend or Amendment: Any repeal, modification or addition to a regulation; any new regulation; any change in number, shape, boundary or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

Apartment House: A building containing three or more dwelling units which serves as the residence of three or more families living independently of each other.

Architect: A person licensed to practice as an architect in the Commonwealth of Virginia.

Atrium House: The atrium house is a single family, attached, one-story dwelling unit with individual access. The lot is fully enclosed by a wall at least seven feet high. A private yard, called an atrium, is included on each lot.

Base Flood/One-Hundred Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Base Flood Elevation (BFE): The Federal Emergency Management Agency designated 100 year water surface elevation.

Basement: The lowest story of a building having part but not less than one-half of that story's height below grade.

Bed and Breakfast House: A residential dwelling where lodging and breakfast are provided for compensation for up to six (6) persons (in contradistinction to hotels, boarding houses, and tourist houses) and open to transients. Up to one person may be hired to assist in the operation of the establishment.

Best Management Practices or BMPs: A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Block: That property abutting one side of the streets, and lying between the nearest intersection or intercepting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing in any barrier to the continuity of development.

Board of Supervisors: The Board of Supervisors of Northampton County, Virginia.

Board of Zoning Appeals: The Board of Zoning Appeals of the Town of Eastville.

Boarding or Rooming Houses: A dwelling unit other than a motel, hotel, or inn, in which, for compensation, lodging and meals are furnished to people for long periods of time.

Buffer or Screening: A device or natural growth, or a combination of both, designed or used as a barrier to vision or noise between adjoining properties or land uses.

Buildable Area: The area of a lot or parcel remaining after required yards, open spaces, parking, loading and access areas have been provided.

Building: A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

Building, Accessory: See "Accessory Use or Structure" as defined in this section.

Building Coverage: All areas under roof or projection from buildings on a lot or parcel.

Building, Height of: The vertical distance from the average elevation of the ground surface along the front of the building to the highest point of the roof thereof.

Building Inspector: An appointed official of the County responsible for inspecting buildings for

conformity with County and State regulations thereof and for certifying such inspections.

Building, Main: The building or one of the principal buildings, housing the principal use on the lot or parcel.

Carport: Any space outside a building and contiguous thereto wholly or partly covered by a roof, and used for the shelter of motor vehicles.

Carry-out or Drive-in Restaurant: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a "fast food" or primarily a "carry establishment."

Cellar: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground.

Chesapeake Bay Preservation Area (CBPA): Any land designated by the Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, Section 10.1-2107 and Section 15.1-489 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Management Area.

Circus: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without side shows.

Club: An association of persons for the promotion of some common object, as literature, science, politics, good fellowship, etc., created for the benefit of its members or the general public and not for profit. The term "club" shall include "lodge."

Cluster Development: An arrangement of structures or adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements for lot widths with the decrease in lot width or area compensated by maintenance of equivalent open space either elsewhere on the lot or in the form of common open space.

Commercial: Any wholesale, retail, or service business activity established to carry on trade for profit.

Common Open Space: Any space, tract, or parcel of land owned in undivided interest, not devoted to residential uses or structures but directly related, and adjacent to a cluster development or planned development, as herein provided.

Community Center: A building or set of buildings designed or used to serve as a social center of a town, village or other aggregation of residential property.

Comprehensive Plan: The adopted Comprehensive Plan for Eastville, Virginia, including all

amendments and elements.

Conceptual Development Plan: A required submission at the time of filing for an amendment to the Eastville Zoning Map for all districts, prepared and approved in accordance with the provisions of Article 5-1 (b), which generally characterizes the development of the subject property and its resulting impact on adjacent properties and/or town in general. Also known as a preliminary development plan.

Condominium: Ownership of single units in a multiple unit structure or complex having common elements.

Construction Footprint: The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

County Resident Engineer: The Resident Highway Engineer of Northampton County, Virginia, of the Department of Highways and Transportation of Virginia, or his designated assistant or deputy.

Court: An open space bounded on two sides or more by a structure or a group of structures.

Craft Industry: Manufacture or processing of items by hand not involving assembly line techniques.

Day Care Centers: Facilities providing day care or nursery services for six or more children.

Developer or Subdivider: A person having legal title to any tract of land or parcel of land to be developed, whether or not they have given their power of attorney to one of their group, or another individual or entity to act on behalf in planning, negotiating or in representing or executing the requirements of the ordinances or the Code of the County or the Town.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Diameter at Breast Height or "DBH": The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

Director of Planning and Zoning: An appointed County official who serves as the Director of Planning and Zoning for the Northampton County, Virginia, or his designated deputy or assistant, when his office is administering the Town of Eastville's planning and zoning.

District: Districts as referred to in Section 15.1-486, of the Code of Virginia, as amended.

Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's

leaf canopy.

Driveway or Accessway: That space specifically designated and reserved on the site for movement of vehicles from one site to another or from a site to a public street or access easement.

Dump Heap (Trash Pile): Any area of one hundred square feet or more lying within one thousand feet of a state highway, a residence, a farm or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Duplex: A two-family residential structure; the residential units may be arranged one above the other, or be semi-detached.

Dustless Surface: A surface adequately covered in practice with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the Zoning Administrator and to be maintained in good condition at all times.

Dwelling: A dwelling unit.

Dwelling, Attached: One of two or more residential buildings having a common or party wall separating dwelling units.

Dwelling, Double-Wide or Triple-Wide Portable: A portable dwelling consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

Dwelling, Expandable Portable: A portable dwelling with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Dwelling, Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated subelements incorporated into a structure at the site.

Dwelling, Multi-Family: A building containing three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Portable: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight feet or body length exceeding thirty-two feet, designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Dwelling, Sectional Home: A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

Dwelling, Semi-Detached: One of two buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, Single-Family: A residential dwelling unit other than a portable dwelling, designed for and occupied by one family only.

Dwelling, Temporary: As a portable dwelling but not necessarily attached to a permanent foundation.

Dwelling, Two-Family: A residential building containing not more than two dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two families.

Dwelling, Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities and containing not less than six hundred square feet of residential floor area.

Easement: A grant by a property owner of the use of his land by another party for a specific purpose.

Engineer: A person licensed to practice as a professional engineer in the Commonwealth of Virginia.

Erected: Shall be taken to mean constructed, reconstructed, moved or structurally altered.

Fabrication: The process of constructing or assembling a product from previously prepared parts, elements or materials which have been manufactured off-site of the fabrication activity.

Fairground: A parcel or tract of land used either temporarily or permanently (as permitted herein), as the site of any fair, exposition or public display.

Farm: A parcel of five acres or more which is used for agricultural purposes.

Fast Food Establishment: See "Drive-In Eating Establishment."

Fence: A fixed structure designed to prevent escape or intrusion or to define property.

Fire Lane: A means of access of sufficient design to permit ingress and egress by fire fighting equipment.

Fish Farming: The raising of fish; a form of aquaculture utilizing ponds or other scientific methods.

Flea Market: A retail establishment or area of land on which are sold second-hand or antique goods, a substantial proportion of which sales are on a consignment basis.

Floor Area: The total gross floor area of all floor or portions of floors in a structure and measured from outside to outside of exterior walls.

Frontage: Lot width at the building set back line along a public road, private road or access easement. (See "Lot Width")

Funeral Parlor: An establishment used primarily for human funeral services, which may or may not include facilities on the premises for: (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation.

Garage, Private: An accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multi-unit dwelling, the private garage may be designated and used for the storage of one and one-half times as many automobiles as there are dwelling units.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repair, equipping, renting, selling or storing motor-driven vehicles.

Grain Dryer: A facility for drying grain. A commercial grain dryer is one in which the grain dried is primarily grown by sources other than the owner and/or operator of the facility. A non-commercial grain dryer is one in which the grain dried is primarily grown by the owner and/or operator of the facility.

Health Official: The Director of Health for Northampton County or his designated agent or deputy.

Home Occupation: An occupation conducted in a dwelling unit or a dwelling accessory structure, provided that:

A. No person other than members of the family residing on the premises shall be engaged in such occupation;

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the floor area of the dwelling unit or twenty-three percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation;

C. There shall be no change in the outside appearance of the building or premises, or other

visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated;

D. There shall be no sales, other than items handcrafted in the premises in connection with such home occupation;

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential or rural neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage off the premises. Boarding and rooming houses, tourist homes and private educational institutions shall not be deemed home occupations.

Home-Owner's Association: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or home-owner is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property or private road, and (c) the charge if unpaid becomes a lien against the property.

Hospital, Sanitarium, Sanatorium: Any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatrics, orthopedics, cancer, mental, tuberculosis, chronic diseases and obstetrics. The term "hospital" shall also include sanitariums and sanitoriums including those where mental patients, alcoholics, and drug addicts are treated or cared for under the supervision of licensed medical personnel.

Hotel: Any building containing ten or more guest rooms where for compensation lodging, meals or baths are provided for ten or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or apartment hotel.

Impervious Cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Inns, General, and Bed and Breakfast: A dwelling unit, other than a motel, hotel, rooming or boarding house, where for compensation lodging and/or meals are furnished to overnight transients, such facility having no more than four bedrooms.

Junk Yard: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof.

Kennel: A place prepared to house, board, breed, handle or otherwise keep or care for four (4) or more dogs for private or commercial use, for sale, or in return for compensation.

Loading Space: Any off-street space available for the loading or unloading of goods, not less than fifteen feet wide, twenty-five feet long and fourteen feet high, and having direct usable access to a street or alley, except where one such loading space has been provided, any additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than twelve feet.

Lot: A parcel of land occupied or to be occupied by a building and its accessory buildings or by a group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having at least the minimum area required by this ordinance for a lot in the zone in which such lot is situated and either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot Area: The total horizontal area included within the rear, side and front lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking area and other accessory uses. Lot area shall not include portions under water except where the total area of a body of water is within a lot.

Lot, Corner: A lot abutting on two or more roads, rights-of-way or access easements at their intersection of the two sides of a corner lot; the front of the lot shall be deemed to be the shortest of the two sides fronting on such roads, rights-of-way or access easements.

Lot Coverage: The impervious area of any lot or parcel including but not limited to buildings, roads, drives, parking areas, sidewalks, patios, decks, etc.

Lot, Depth of: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

Lot, Double Frontage: An interior lot having road frontage on two or more roads.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

Lot, Through: An interior lot, fronting on two parallel or approximately parallel streets.

Lot, Width: The average horizontal distance between side lot lines.

Lot of Record: A lot which has been recorded in the Clerk's Office of the Circuit Court of

Northampton County.

Manufacture and/or Manufacturing: The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Manufactured Home: A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (See also "dwelling, double wide or triple wide, portable"; "dwelling, expandable, portable"; and "dwelling, portable").

Manufactured Home Park: Any area of ten acres or more designed to accommodate twenty-five or more mobile homes intended for residential use where residence is in mobile homes exclusively and lots are rented rather than sold.

Manufactured Home Park/Subdivision: A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

Mass or Community Subsurface Drainfield: A system used to receive sanitary waste in the ground, serving three (3) or more independent homes, structures or commercial units off site of the land, lot, or area being served.

Medical Center: Establishment wherein medical care is provided on an outpatient basis, as distinguished from a hospital or a professional office.

Mobile Home Trailer: An industrialized single-family dwelling unit designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor or incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like.

Modular Home: See "modular unit" and "sectional home" as defined in this section.

Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. This term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements incorporated into a structure at the site.

Motor Lodge (Motel): One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Motorhome: A vehicle which is self-propelled or designed for self-propulsion, having a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings. (See "Trailer, Travel and Recreation")

New Construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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 ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonconforming Structure: An otherwise legal building or structure that does not conform to the minimum area or lot width requirements or permitted uses of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

Nonpoint Source Pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nonprofit Organization: An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

Nontidal Wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U. S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

Nursing Home: The term "nursing home" includes rest homes, convalescent homes and homes for the aged, and shall mean a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or

other specialized hospital.

Off-Site: The term "off-site" describes a location on an area of land which is proximate to a parcel of land defined as "on-site."

Off-Street Parking Area or Parking Bays: Space provided for vehicular parking outside the dedicated street right-of-way.

On-Site: "On-Site" shall be construed to be describing a location on all or on a portion of a parcel of land which is the subject of an application for approval by the Town Council, Planning Commission or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control.

Open Space: Water or land left in undisturbed open condition or developed as a landscaped area unoccupied by buildings, streets or parking lots, or occupied by approved commonly owned recreational facilities.

Parcel: Any tract of land or water not subdivided.

Parking Space: A space of sufficient size and shape to park one standard size automobile and containing not less than ninety-one (91) square feet of area, except parking spaces for handicapped access, which shall be 200 square feet in area.

Patio House: A single-family detached or semi-detached unit, with one dwelling unit from ground to roof, having individual outside access.

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

Performance Bond: A bond of surety, and/or cash deposit approved by the Town Council equal to full cost of improvements required by these regulations and providing for completion of such improvements within a definite term.

Plan of Development: The process for site plan or subdivision plan review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.

Planned Unit Development: A cohesive development of mixed uses based on unit density in which conventional lot restrictions are lowered to provide a percentage of open space.

Planner; Land Planner: A professional person qualified to prepare development plans, site plans, and/or subdivision plats, who is either registered as such or who meets the standards of the American Planning Association.

Plat: A map or plan of a tract or parcel of land which is to be or has been subdivided. When

used as a verb, "plat" is synonymous with "subdivide."

Poultry: Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, etc.

Present Tense: Words in the present shall include the future tense.

Private School: The term "private school" includes private schools, colleges, or universities, and private instructional/training institutions.

Professional Office: The office of a person engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural, in which a professed knowledge or skill in some department of science or learning is used in its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

Property: Any tract, lot or parcel or several of the same collected together for the purpose of subdividing, preparing a site development plan and/or developing.

Public Access Easement: A legal easement, or series of easements, which grant and guarantee the right of access for emergency and public service vehicles to any given area or right-of-way.

Public Buildings: The term "public buildings" shall be considered for the purpose of this ordinance to be any building owned by a governmental organization such as a county, city, town, state or federal government. Such buildings may include city hall, a county courthouse, a state armory, a federal office building, a post office, an auditorium, a museum, an art gallery, a college or university, hospitals, clinics, schools, libraries, police and fire stations, etc.

Public Facilities: The term "public facilities" shall be considered for the purpose of this ordinance to be any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to: public roads, schools, water supply and sewer facilities, and police and fire protection facilities.

Public Road: A publicly-owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (Section 10.1-603 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the local government in accordance with the standards of that local government.

Public Sewer System: A central system for the removal, carrying off, treatment and disposal of sewage, serving or designed to serve three or more independent dwellings or structures, and

which may be owned and/or operated by a municipality or county or service authority or by a person approved by the Town Council in accordance with Title 62.1 of the Code of Virginia, 1950, as amended, and licensed by the State Corporation Commission; including a master septic field system operated by a home owners' association.

Public Water Supply: A central system for supplying potable water to three or more independent dwellings and which may be owned and/or operated by a municipality or county or service authority or by a person approved by the Town Council and properly licensed by the State Board of Health in accordance with Title 62 of the Code of Virginia as amended, and licensed by the State Corporation Commission.

Reconstruction: The process of replacing or rebuilding a structure that has been damaged to the extent that 50 percent or more of the building materials are destroyed.

Record, Recorded, Recording: Admission to record in the office of the clerk of a court of competent jurisdiction.

Recreation Area, Commercial: Any establishment operated as a commercial enterprise in which seasonal facilities related to outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment stands, equipment sales or rentals.

Recreational Vehicle: A vehicle which is (a) built on a single chassis, (b) 400 square feet or less when measured at the largest horizontal projection, (c) designed to be self-propelled or permanently towable by a light duty truck or vehicle, (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Redevelopment: The process of developing land that is or has been previously developed.

Rehabilitation and Group Homes or Centers: Facilities to restore persons to a state of physical, mental or moral health through treatment and training.

Required Open Space: Any space required in any front, side or rear yard.

Resource Management Area or "RMA": That component of the Chesapeake Bay Preservation Area that includes land types that, if improperly used or developed, have the potential for causing significant water quality degradation.

Restaurant: Any building in which for compensation food or beverages are dispensed for consumption on the premises including, among other establishments, cafeterias, cafes, tea rooms and confectionery shops.

Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards) such as the following, which serve as illustrations only and are not to be considered to be exclusive: drug stores, newsstands, food stores, candy shops, milk dispensaries, dry goods and notions stores, antique stores, florists, opticians, music and radio stores, tailor shops, barber shops and beauty shops.

Road: See "street" as defined in this section.

Saltwater Intrusion: Displacement of fresh surface water or groundwater by the advance of sea water, sometimes caused by overdraft of a well.

School of Special Instruction: A school offering musical, dramatic, artistic and cultural subjects.

Sectional Home: A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

Semi-Public Building: Any building designed for the use of the general public or any segment of the general public and which is owned and/or operated by a nonprofit association.

Setback: The minimum distance by which any building or structure shall be separated from a lot line.

Shopping Center: A group of commercial establishments, planned, developed, owned and managed as a unit with off-street parking provided on the property and related in size and type of shops to the trade area the unit serves.

Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combination thereof, by any means whereby such letters, etc., are made visible for the purposes 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, a rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than two square feet in area is excluded from this definition.

Sign, Area: The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back-to-back, that is, on opposite sides of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.

Sign, Auction: A sign, not illuminated, advertising an auction to be conducted on or off the lot or premises upon which it is situated. Such signs may be erected not more than one month before the date of the action advertised and shall be removed within forty-eight hours of the

conclusion of such auction.

Sign, Business: A sign, either free standing, projecting or wall, which directs attention to a product, commodity and/or service available on the lot, premises or farm upon which such sign is situated.

Sign, Directional: A sign, one end of which is pointed, on which an arrow is painted, or otherwise indicates the direction to which attention is called, not illuminated, four square feet or less in area, giving the name only of a person, farm, business or other establishment.

Sign, Free Standing: A business sign located upon a lot or parcel of ground outside the required setback area, not attached to the main building.

Sign, General Outdoor Advertising: A sign which directs attention to a product, commodity, or service not necessarily available on the premises, over one hundred square feet.

Sign, Home Occupation: A sign not exceeding four square feet in area directing attention to a service available on the premises, but which service is clearly a secondary use of the dwelling.

Sign, Hunting, Fishing or Trespassing: A sign, not illuminated, one and one-half square feet or less in area, erected on the appurtenant premises solely as a warning or notice.

Sign, Identification: A sign which identifies or otherwise describes the name, ownership or location of the lot or parcel of land upon which it is situated.

Sign, Illuminated: A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

Sign, Location: A sign which directs attention to the approximate location of an establishment from which the advertised products, service or accommodation may be obtained and not situated upon the premises upon which such establishment is located, one hundred square feet or less in area.

Sign, Political: A sign not illuminated, two and one-half square feet or less, in which there is presented a candidate or issue, subject to a federal, state or local government plebiscite. Such sign may be erected not more than one month prior to the date of voting and shall be removed within ten days thereafter.

Sign, Portable: Any sign that is not permanently affixed to a building, structure, or the ground.

Sign, Projecting: A business sign erected, projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six feet from the wall surface of the building on which such sign is erected.

Sign, Public: A sign owned by and erected at the instance of a federal, state or local government agency.

Sign, Sale or Rental: A sign, not illuminated, which designates all or portions of the lot or premises upon which it is located to be for sale or lease. Such signs shall be removed within one week of sale or lease of the lot or premises upon which such sign is situated. The lettering or message on any one side of such sign may be different from any other side.

Sign, Subdivision or Entrance: A sign, not illuminated, sixty square feet or less in aggregate area identifying a subdivision or business and located thereon at the entrance to such subdivision or business. Such sign shall be not greater in height than six feet and shall be set back from any right-of-way for proper sight distance.

Sign, Temporary Directional: A directional sign erected for a period of not more than ten days.

Sign, Temporary Event: A sign, not illuminated, describing a seasonal, brief or particular event or activity to be or being conducted upon the lot or premises upon which such sign is located. Such sign may be erected not more than one month before the event or activity described, shall be removed within one week of its conclusion, and in no event shall such sign be displayed for a period longer than six months in any one calendar year.

Sign, Wall: A business sign erected or painted on a building front visible from the exterior thereof, no part of which is more than twelve inches from the surface of the building on which it is erected; such sign may be illuminated.

Site Development Plan: Detailed drawings indicating all building construction and land improvements, including landscape treatments and related information required by this ordinance.

Specifications: A detailed, precise presentation of the materials and procedures to be employed in the construction of all physical improvements required by the applicable ordinances of the County or the Town.

Start of Construction: The date the building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Store: See "Retail Stores and Shops" as defined in this section.

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 be no floor above it, the space between the floor and the ceiling next above it.

Street: A dedicated strip of land or right-of-way subject to vehicular and/or pedestrian traffic providing means of access of property.

Street (Arterial): A highway utilized primarily as a supplement to, and as an extension of, the interstate highway system, defined in the Virginia State Highway Commission Standards as an arterial highway. A minimum right-of-way of one hundred feet is required.

Street (Collector): A street that carries or is anticipated to carry a volume of through traffic exceeding four hundred vehicles per day, the right-of-way of which shall not be less than fifty feet nor more than eighty feet depending upon existing or anticipated traffic volume.

Street (Local): A street that carries or is anticipated to carry a volume of traffic less than four hundred vehicles per day, the right-of-way of which shall not be less than fifty feet.

Street (Major Collector): A street that carries or is anticipated to carry a volume of traffic exceeding three thousand vehicles per day, the right-of-way of which shall not be less than sixty feet nor more than one hundred ten feet.

Street (Major Highway): Any arterial, interstate, major collector, or primary street or highway as defined in this section.

Street (Primary): A street or highway anticipated to carry a volume of traffic exceeding three thousand vehicles per day, designed and maintained as a part of the Virginia Primary System, the right-of-way of which shall not be less than eighty feet or more than one hundred sixty feet.

Street (Private): A street which affords principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained by a private corporation or adjacent landowners within the platted subdivision, constructed to standards adopted by the County. The right-of-way shall not be less than forty feet.

Street (Public): A street which affords principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained by the Commonwealth as a part of the state primary or secondary road system. The right-of-way shall not be less than forty feet.

Street (Rural): A street having a minimum right-of-way of forty feet located in areas or subdivisions divided into parcels of two acres or more, excepting streets carrying or anticipated to carry heavy volumes of traffic or otherwise defined herein.

Street (Service Drive): A public or private right-of-way, generally parallel with and contiguous to a major highway, primarily designed to promote safety by eliminating pernicious ingress and egress to a major highway by providing safe and orderly points of access to the major highway.

Street, Width: The total width of the strip of land dedicated or reserved for public travel including the roadbed, curb and gutter, sidewalks, planting or landscaping strips, and where necessary, utility easements.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

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. This includes, among other things, dwellings, buildings, signs, etc.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Surveyor, Land: A person who is recognized by the State and who is registered with the Virginia Department of Professional and Occupational Registration as a "registered land surveyor."

Theater, Indoor: A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen persons (see also "hotels" and "boarding and rooming houses" as defined in this section) and open to transients.

Townhouse: One of a series of from three to ten attached dwelling units, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof, and having diversified architectural facades, or treatment of materials on both front and rear of the building group, with not more than four of any ten abutting townhouses having the same architectural facades and treatment of materials and with not more than three

abutting townhouses having the same front and rear setbacks. Minimum setback offset shall be not less than one foot.

Trailer, Business: A structure or vehicle mounted on wheels for use on roads, propelled or drawn by its own or other motor power, and designed and constructed to provide for temporary human habitation for one or more persons or for the conduct of a business, profession, trade or occupation or for use as a selling or advertising device.

Trailer, Business Office: An industrialized unit designed for transportation after fabrication on streets and highways on its own wheels or on flatbed and arriving at the site where it is to be occupied as an office complete and ready for occupancy except for minor or incidental unpacking and assembly operation, located on jacks or permanent foundation, connected to utilities and the like.

Trailer, Travel and Recreation: A mobile unit less than twenty-nine feet in length and less than four thousand five hundred pounds in weight which is designed for temporary human habitation.

Use: The principal purpose for which a lot or the main building thereon is designated, arranged, or intended and for which it is or may be used, occupied or maintained.

Use, Accessory: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

Variance: A variance is a relaxation of the terms of the zoning ordinance where such relaxation shall 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 the ordinance would result in unnecessary or undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or 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.

Watershed: The region drained by or contributing water to a stream, creek, pond or other body of water.

Watertable: The upper surface of groundwater in the unconfined surface aquifer, known as the Columbia Aquifer, which is located in a zone of saturated soil material, except when separated from underlying groundwater by an zone of unsaturated soil material.

Wetlands: Tidal wetlands.

ARTICLE III - NONCONFORMING USES

Section 3-1 Intent: Some existing lots, uses, structures, or combinations of uses and structures will not meet the requirements set out by this ordinance for districts. These nonconformities are declared by this ordinance to be incompatible with the requirements of the districts. It is the intent of this ordinance to permit nonconformities to continue until they are removed or discontinued but not to permit their enlargement, expansion, or extension; nor to permit their use as a grounds for adding other structures or uses which would be prohibited in the district involved.

Section 3-2 Continuation:

A. Uses - If, at the time of enactment of this ordinance, there is any legal activity which is being pursued, or any lot or structure being legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided except that general advertising structures and general outdoor advertising signs that become nonconforming because of a rezoning have twenty-four months within which to be relocated in a permitted area.

B. Lots of Record - If, at the time of enactment of this ordinance, there is a legal lot or parcel which does not meet the minimum lot area requirement within a district of record, said lot or parcel of record may be used as a building site provided the use proposed is a permitted use as established by this ordinance, and provided further the requirements for minimum set-backs can be met. Variances of yard requirements must be decided upon by the Board of Zoning Appeals in accordance with Article VI.

C. Structures - Where a lawful structure exists at the time of enactment of this ordinance that could not be built in the district in which it is located under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, any structure or portion thereof may be altered to decrease its nonconformity.

(2) Should a nonconforming structure be moved for any reason for any distance it shall thereafter conform to the regulations pertaining to the district in which it is located.

(3) Should a nonconforming structure, portion of the nonconforming structure, or nonconforming portion of a structure, other than a single family dwelling unit, be damaged or destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the

provisions of this ordinance. If damage or destruction amounts to less than fifty percent of the replacement cost at the time of destruction, a structure or portion thereof may be reconstructed or restored provided its degree of nonconformity is not increased beyond that which existed just prior to such damage. If the provisions of this ordinance cannot be met, the owner or owners of the structure may apply for a variance from the Board of Zoning Appeals.

D. Restoration - The cost of land or any factors other than the cost of the structure are excluded in the determination of the cost of restoration for any structure or activity devoted to a nonconforming use.

E. Historic and Single-Family Structures - If a nonconforming structure be a single-family dwelling or a historic structure or area as herein defined, it may be restored or replaced regardless of the percentage of destruction.

F. Repairs and Maintenance - On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing, to such extent that the structure is kept in a usable condition. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared necessary for safety upon order of any County building or health official.

Section 3-3 Nonconformity in General:

A. If there is any change in title or renewal of a lease of any nonconforming lot or structure access, the existing use may continue.

B. If any nonconforming use, structure or activity, other than a single-family dwelling, is discontinued for a period exceeding two years after enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

C. Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such existing use may be changed to an even more limited use.

D. Temporary seasonal nonconforming uses that have been in continual operation for a period of two years or more prior to the effective date of the ordinance are excluded.

E. Whenever the boundaries of a district are changed, any use of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.

Section 3-4 Provisions for Special Uses: Any use of a structure which exists at the time of enactment of this ordinance which is permitted in the district in which it is located as a special use, shall not be deemed a nonconforming use or structure, but shall, without further action by the County, be considered a conforming use. However, such a use or structure shall be subject to the requirements of this ordinance as a "special use" when expansion, enlargement or modification is proposed.

Section 3-5 Nonconforming Use and Development Waivers: The lawful use of a building or structure which existed on [date of adoption] or which exists at the time of any amendment to this Article, and which is not in conformity with any provisions of this Ordinance may be continued in accordance with the provisions of this Article.

No change or expansion of use shall be allowed with the exception that:

(1) The Zoning Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations, waivers/variances for additions must be acted upon by the Town of Eastville Board of Zoning Appeals in keeping with Article VI of this Ordinance provided that:

a. There will be no increase in nonpoint source pollution load;

b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirement of this Article.

c. The intent of Article III nonconforming uses is upheld.

(2) An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include for the purpose of proper enforcement of this Article, the following information:

a. Name and address and property owner;

b. Legal description of the property and type of proposed use and development;

c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Management Area;

d. Location and description of any existing private water supply or sewage system.

(3) A nonconforming use and development waiver/variance shall become null and void twelve months from the date issued if no substantial work has commenced.

ARTICLE IV - ADMINISTRATION AND ENFORCEMENT

Section 4-1 Zoning Administrator: This ordinance shall be administered by the Zoning Administrator who shall be appointed by the Town Council and assisted by such other persons as the Town Council may direct. The Zoning Administrator shall have all necessary authority to administer and enforce the provisions of this ordinance.

Along with his deputies and inspectors, the Zoning Administrator is hereby empowered to enter and go upon any private or public property in the Town for the purpose of inspecting for compliance with this ordinance and of administration and enforcement hereof, provided that any and all such entries shall be in accordance with the general requirements of due process and nothing herein shall authorize or purport to authorize any unlawful search or seizure.

Section 4-2 Zoning Clearance: It shall be unlawful to use land or structures or to alter or erect structures until a zoning clearance is obtained from the Zoning Administrator. If an activity requires a building permit, the Zoning Administrator shall review the application for the zoning clearance and sign off on the building permit before such permit is issued. Where site plan review is required, the application for zoning clearance may be incorporated into the application for site plan review, in which case the requirements for site plan review in Article 16 herein shall apply. The intent of the zoning clearance is to show that land and uses of land and structures are in conformity with the provisions of this ordinance.

A. Application for Zoning Clearance - An application for zoning clearance shall contain the following:

(1) Name, address, and phone number of the applicant.
(2) Signature of the applicant attesting to the truth of all information required.
(3) Zoning district.
(4) Three plot plans drawn to scale, showing lot dimensions, location and size of existing and proposed structures and uses, yard dimensions, easements, and street and highway rights-of-way.
(5) Such other information as may be required by the Zoning Administrator in order for him to determine conformance with this ordinance.

B. Approval of Zoning Clearance - Within thirty days of receipt of the application, the Zoning Administrator shall approve or disapprove the application. One copy of the plot plan shall be returned to the applicant along with the zoning clearance or a written denial and reasons for denial. Zoning clearances incorporated into building permits and/or site plan review procedures shall expire in the same manner as building permit and/or site plan approval.

Section 4-3 Special Use Permits: The Eastville Town Council may grant a special use permit where such special use or structure is permitted by the terms of this ordinance. The Town Council may grant, deny, or grant conditionally the permit.

A. Procedure - An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:

(1) The applicant shall submit an application to the Town Council through the Zoning Administrator in the same manner as in requesting a zoning clearance. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met.

(2) The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate a recommendation to the Town Council.

(3) Within sixty days of the first meeting of the Town Council after receipt of the application, the Town Council shall hold a public hearing after notice in accordance with Section 15.1-431 of the Code of Virginia, as amended.

(4) The Town Council shall review the recommendation of the Zoning Administrator or any other reports, visit the site if appropriate, and meet with the applicant.

Section 4-3.1 Conditions and Bonds: The Eastville Town Council may impose conditions, limitations, or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as but not limited to the following:

A. Abatement or restriction of noise, smoke, dust, vibration, odors, wastes, or other elements that may affect abutting or adjacent properties.

B. Establishment of setbacks, (side, front, and rear) area requirements necessary for orderly expansion and for preventing traffic congestion.

C. Providing for adequate parking and ingress and egress to public streets and roads necessary to prevent traffic congestion.

D. Providing adjoining property with a buffer fence or line of evergreens or shield from view of the proposed use and/or structure.

E. After due consideration, the Town Council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial

or special conditions.

F. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal. Furthermore, the Town Council may require a bond, in a reasonable amount determined by the Town Council to insure compliance with the terms and conditions of any special use permit.

Section 4-3.2 Review Standards: The Eastville Town Council shall consider the following in reviewing a special use application:

A. The proposed use and/or structure appears on the official schedule of district regulations or elsewhere in this ordinance.

B. The proposed use and/or structure complies with the regulations governing individual special uses.

C. The proposed use and/or structure is consistent with the Town's Comprehensive Plan.

D. The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.

E. The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.

Section 4-3.3 Effect of Approval: The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from the term of the special use permit without the express written consent of the Eastville Town Council. The approval of special use permits shall be valid for a period of eighteen (18) months after the date of approval by the Town Council. Within the eighteen (18) month period, a building permit and/or zoning clearance shall have been approved and issued and construction or use commenced within one (1) year thereafter. Failure to comply with the above requirement shall cause the subject's special use permit to be null and void and the holder of said special use permit shall be so notified. This time provision does not apply to special use permits approved prior to the effective date of this amendment.

Section 4-3.4 Reconsideration of Applications: A property owner or other petitioner who has filed for a special use permit may not submit substantially the same application for special use within a period of twelve (12) months from the date of the original denial by the Eastville Town Council.

Section 4-4 Special Use Permit Approval Guidelines: Uses permitted by Special Use Permit, as listed in the zoning district provided for, shall be permitted subject to all the other requirements of this ordinance, only upon the obtaining of a special use permit from the Eastville Town Council. The Town Council shall issue a permit for such use if it finds that the use for which the permit is sought:

A. Will not be hazardous or injurious to, or in conflict with the predominant character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved or conducted in connection with it, its site layout and its relation to roads giving access to it;

B. Will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use;

C. Will not be detrimental to public welfare or injurious to property or improvements in the neighborhood;

D. Will not adversely effect surface or ground water.

Section 4-5 Enforcement: All departments, officials, and public employees of the Town of Eastville and/or Northampton County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. Any permit issued in conflict with the provisions herein shall be null and void.

Section 4-6 Violations: Any person may file a written complaint with the Zoning Administrator concerning violation of this ordinance. Such complaint shall state fully the causes and basis thereof. If the Zoning Administrator finds upon investigation that any of the provisions of the ordinance are being violated, he shall notify by certified mail the person responsible for such violation, indicating the nature of the violation and ordering the violation corrected within a reasonable period of time, as determined by the Zoning Administrator and may take any action authorized by law to insure compliance with or prevent further violation of the provisions of this ordinance. The Zoning Administrator may grant an extension of the time if he deems such extension justified in the circumstances of the case and such extension will not, in his opinion, cause substantial peril of life, health, or property.

Section 4-7 Penalties: Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating or causing or permitting the violation of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day the offense continues, or is permitted by such person, firm, or corporation and shall be punishable as herein provided.

Section 4-8 Fees and Charges: The following fees shall be imposed at the time of application for the following zoning matters.

A. Zoning Map Amendments - $340.00

B. Special Use Permits - $150.00

C. Variances - $100.00

D. Appeals - $100.00

E. Zoning Clearances at the time of building permit application or otherwise - no fee

F. Site Plan Submittals as required under Article 16 - Actual cost of processing with a $400.00 initial down payment

G. Planned Unit Development Petitions - Actual cost of processing with a $500.00 initial down payment.

ARTICLE V
AMENDMENTS AND APPEALS

Section 5-1 Amendments to the Zoning Ordinance: The Eastville Town Council may, from time to time, after examination, review and public hearing herein, amend, supplement, modify, or repeal the provisions herein or subsequently established.

A. Initiation of Amendments - Proposals for amending this ordinance may be initiated by resolution of the Town Council or by motion of the Planning Commission, or by application of the owner, contract owner, or optionee of the subject property in the Town of Eastville.

B. Procedure for Amending - In order for the provisions of Section 7-1 to be interpreted relative to any given zoning map amendment, specific information is needed for the evaluation and testing of said zoning map amendment. Therefore, in keeping with title 15.1, Chapter 11, Articles III and VIII of the Virginia State Codes, as amended, the following information shall be submitted along with the standard petition for rezoning of land in the Town of Eastville. However, such development plan or portions thereof need not be submitted where the Zoning Administrator has determined that such plan or portion thereof is not necessary to the adequate review of the rezoning application.

(1) Two (2) copies of an application on forms provided by the county, completed and signed by the applicant.

(2) Two (2) copies of a certified plat of the subject property with the boundaries outlined in red. The certified plat shall show:

a. Metes and bounds of all property lines, and bearings and distance of each zoning district.

b. Total area of property presented in square feet or acres.

c. Scale and north arrow.

d. Location of all existing buildings and structures.

e. Names and route numbers of all boundary roads or streets, and the width of existing right(s)-of-way.

f. Seal and signature of person preparing the plat.

(3) Two (2) copies of a legal description of the property, including metes and bounds of each zoning district proposed.

(4) One (1) copy of the current Town of Eastville Zoning Map covering the area of the application, one inch equals five hundred feet (1"=500'), showing:

a. Boundaries of the subject property outlined in red.

b. Major thoroughfare access to the property and any known plans for future widening as indicated in the adopted comprehensive plan or a plan prepared by the Virginia Department of Highways and Transportation.

If more than one (1) Zoning Section Sheet is required to cover the subject property, such sheets shall be attached so as to create an intelligible map.

(5) An application filed by an agent, contract purchaser or lessee shall include a written statement signed by the property owner indicating his endorsement of the application.

(6) Three (3) copies of a written statement of justification, dated and signed and the following information:

a. Existing topography with a maximum contour interval of five (5) feet.

b. A schematic land use plan, at the appropriate scale, showing the proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths; all proposed major open space areas; limits of clearing;

the general location of all proposed community and public facilities and the generalized proposed plan for all water, sanitary waste facilities and drainage improvements.

c. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

d. A statement explaining the relationship of the development to the adopted comprehensive plan of the town.

e. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measure of screening in accordance with the provisions of Article 16, and dimensions of all peripheral yards that will be provided.

f. A statement setting forth the maximum height of all proposed buildings in the development, and the general location of all those buildings where the height is proposed to exceed forty (40) feet.

g. A statement or presentation setting forth the maximum number of dwelling units proposed, and the density and the open space calculations.

h. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

i. A statement of those special amenities that are proposed within the development.

j. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.

k. A statement setting forth the proposed approximate development schedule.

l. Any additional information that the applicant may desire to proffer in the consideration of the application.

m. Where applicable, any other information as may be required by the provisions of Article 7.1.

(7) If the proposed amendment is for rezoning to a PUD district, twenty-eight (28) copies of a development plan.

(8) An application fee as provided for in Section 4-8.

(9) A fiscal (cost/revenue) study of the impact on the town.

(10) Evidence of submitting necessary information to the staff of the State Water Control Board or State Health Department, as appropriate, regarding any sanitary outfall, package plant, lagoon system or mass drainfield.

(11) Any proffers which the applicant may wish to present to ease any detrimental impact on the Town. The application will not be judged complete by the Zoning Administrator until such information is received and deemed complete. Once deemed complete, the Administrator shall have thirty (30) calendar days to review such information and prepare a staff report after which the required public hearing can be scheduled before the planning commission under applicable laws governing same.

(12) After notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, the Planning Commission shall consider the proposed amendment and submit a recommendation, along with plats and explanatory materials to the Town Council. If the Commission fails to submit a recommendation to the Town Council within sixty (60) days of the first meeting of the Planning Commission after the proposed amendment has been referred to it, the Planning Commission shall be deemed to have approved the proposed amendment.

(13) The Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, and shall take action within (60) days from the date of the public hearing. The Town Council and the Planning Commission may hold a joint public hearing.

(14) After the public hearing, the Town Council may make appropriate changes or corrections in the proposed amendment provided that no additional land may be zoned to a different classification than was contained in the public notice required by Section 15.1-431 of the Code of Virginia, as amended.

(15) Each motion of intent to amend by the Town Council or Planning Commission shall state the public purpose therefore.

Section 5-2 Special Conditions: In addition to the regulations provided for the zoning districts by this ordinance, the Town Council may adopt, as part of an amendment to the zoning map, reasonable conditions when such conditions shall have been proffered in writing, in advance of the public hearing, by the owner of the property submitting the zoning map amendment. Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning ordinance,

provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance (Code of Virginia, Section 15.1-491 (a), as amended).

Section 5-3 Reconsideration of Applications: A property owner or other petitioner to amend this ordinance may not submit substantially the same application for amendment within a period of twelve (12) months from the date of the original denial by the Town Council.

Section 5-4 Appeals: Any persons or agency allegedly aggrieved by a decision, order, requirement, or determination of the Zoning Administrator in the administration or enforcement of this ordinance may appeal such decision to the Board of Zoning Appeals in accordance with the provisions of Article 6 hereof.

Any persons or agency allegedly aggrieved by a decision, order requirements, or determination of the Board of Zoning Appeals, the Town Council, the zoning administrator, or any other officers or department of the Town of Eastville and/or Northampton County may appeal such decision to the Circuit Court of Northampton County, Virginia, in the manner prescribed by Virginia State Law.

Section 5-5 Withdrawal of Rezoning Petitions: A petitioner for rezoning may withdraw his petition from consideration prior to the Planning Commission or Town Council's action, if said Planning Commission or Town Council permit such withdrawal "Without Prejudice" and not be affected by Section 5-3 above.

ARTICLE VI - BOARD OF ZONING APPEALS

Section 6-1 Composition of Board of Zoning Appeals: A Board of Zoning Appeals consisting of five members shall be appointed by the Circuit Court of Northampton County, Virginia. The term of office of the original members of the Board of Appeals shall be for five years except that the original appointments shall have been made for such terms so that the term of one member shall expire each year. One member of the Board of Zoning Appeals may be a member of the Planning Commission, however, no member shall hold any public office. Members of the Board of Zoning Appeals may receive such compensation as may be authorized by the Town Council.

Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term. A member whose term expires shall continue to serve until the successor is appointed and qualified. Members shall be removed for cause as provided in Section 15.1-494 of the Code of Virginia, as amended.

Section 6-2 Procedures: The Board of Zoning Appeals shall follow the procedures as provided in Section 15.1-494.

A. The Board of Zoning Appeals shall adopt rules as it may deem necessary to carry out the duties imposed by this ordinance, such rules being in accordance with the provisions of this ordinance and other ordinances of the County, Town and general laws of the State of Virginia.

B. The Board of Zoning Appeals shall elect annually a Chairman and Vice-Chairman from its own membership. The Chairman may administer oaths and compel the attendance of witnesses. The Vice-Chairman shall act in the absence of the Chairman.

C. The meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other time as a quorum of the Board of Appeals may determine.

D. All meetings of the Board of Zoning Appeals shall be open to the public.

E. The Board of Zoning Appeals shall keep a full public record of its proceedings, showing the vote or failure to vote of each member on each question.

F. The concurring vote of a majority of the members shall be necessary to reverse any decision, order, requirement, or determination of an administrative official or to decide in favor of the application on any matter which comes before the Board of Zoning Appeals.

G. Any member of the Board of Zoning Appeals shall be disqualified to act upon a matter before the Board of Zoning Appeals with respect to property in which the member has an interest.

H. A quorum shall be at least three members.

Section 6-3 Powers and Duties: The powers and duties of the Board of Zoning Appeals shall be the following, as provided by Section 15.1-495 of the Code of Virginia, as amended:

A. Administrative Review - The Board of Zoning Appeals shall hear and decide appeals from any decision, order, requirement, or determination of any administrative official in the administration or enforcement of this ordinance.

B. Appeals - An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of The Town of Eastville affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty days after the decision appealed from and shall follow this procedure:

(1) Applications specifying the grounds for appeal shall be filed with the Secretary of

the Board of Zoning Appeals who shall refer the application to the Board of Zoning Appeals and to the Zoning Administrator.

(2) The Zoning Administrator shall transmit to the Board of Zoning Appeals all the paper constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certification a stay would in his opinion cause imminent peril of life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board of Zoning Appeals or by a Court of Record, on application and notice to the Zoning Administrator and for good cause shown.

(4) The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals or other matters referred to said Board. After notice and public hearing as required by Section 15.1-431 of the Code of Virginia, as amended, the Board of Zoning Appeals shall decide the matter within sixty days from the date of such public hearing.

(5) Each application for an appeal shall be accompanied by payment of a fee to be determined by the Town Council to help defray the cost of publicizing and conducting the public hearing.

(6) In exercising its powers, the Board of Zoning Appeals may in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the decision, order, requirements, or determination of the Zoning Administrator and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a zoning clearance.

C. Variances - The Board of Zoning Appeals may grant upon appeal or original application in specific cases such variance from the terms of this ordinance 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 ordinance shall be observed and substantial justice done. In authorizing a variance, the Board of Zoning Appeals 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 guarantee or bond to insure that conditions imposed are being and will continue to be complied with. No variance shall be granted until the Board of Zoning Appeals has held a public hearing and given public notice in accordance with Section 15.1-431 of the Code of Virginia, as amended. No variance shall be granted until the Board of Zoning Appeals finds and is satisfied:

(1) That the property owner acquired his property in faith but by reason of the exceptional narrowness, shallowness, size, or shape of the specific piece of

property at the effective date of this ordinance; by reason of exceptional topographic conditions; or by reason of other extraordinary situations or conditions of such piece of property or of the use or development of property immediately adjacent thereto, the strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the use of the property or there exists a clearly demonstrated hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

(2) That the strict application of this ordinance would produce undue hardship.

(3) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(4) That the authorization of the 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.

(5) That the condition or the situation of the property 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 ordinance.

D. Interpretation of the Zoning District Boundaries - The Board of Zoning Appeals may hear and decide applications for interpretation of the district boundaries where there is any uncertainty as to the location of the district boundary. The Board of Zoning Appeals shall interpret the map in such ways as to carry out the intent and purpose of this ordinance for the particular district in question; however, it shall not have the power to change substantially the locations of district boundaries as established by ordinance.

Section 6-4 Appeals from the Board of Zoning Appeals: Any person or persons, taxpayer, officer, department, board, or bureau of the Town of Eastville jointly or severally aggrieved by any decision of the Board of Zoning Appeals may present to the Circuit Court of Northampton a petition specifying the grounds on which aggrieved within thirty days after the filing of the decision in the office of the Board of Zoning Appeals.

A. Upon presentation of such petition, the court shall allow a "writ of certiorari" and shall prescribe therein the term within which a return thereto must be made and served upon the defense attorney, which may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice of the Board of Zoning Appeals, and due cause shown, grant a restraining order.

B. While not required to return the original paper acted upon by it, the Board of Zoning Appeals may be required by such writ to return certified sworn copies thereof or of

portions thereof. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision, appeals from, and shall be certified.

C. If, upon hearing, it shall appear to the 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 findings of fact and conclusions of law, which shall continue a part of the proceedings upon which the determination of the court shall be made.

D. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

ARTICLE VII - ZONING GUIDELINES AND CONDITIONAL ZONING

Section 7-1 Intent: In the process of considering the rezoning of land, it is the intent that in order to meet the test of reasonableness and the test of like land treated alike, the following factors shall be considered before zoning to a particular category:

A. Character of the area.

B. Land use and activities.

C. Suitability for proposed use.

D. Availability of public facilities.

E. Compliance with Comprehensive Plan, land use, coastal management and environmental objectives.

Section 7-2 Supplemental Considerations and Regulations: Rapid development of employment, residential and commercial facilities in the Town of Eastville and the resulting impact on existing public facilities, highways and other necessary public facilities and services and natural resources could exceed the Town's ability to provide for such facilities. Therefore, under authority of Section 5.2 of this ordinance and Section 15.1-491 of the Code of Virginia, as amended, the Town Council may impose conditions, including reasonable employment limitations, to ease the effect of rezoning land on the general public and on the Town's natural resources.

Section 7-2.1 Conditions: In addition to the regulations herein provided for the respective zoning districts, the Town Council may adopt as a part of an amendment to the zoning map reasonable conditions provided that said conditions shall have been proffered

in writing in advance to the public hearing on said amendment to the zoning map amendment, and provided that said conditions are accepted by the governing body as a condition to said amendment of the zoning map. Said accepted conditions shall be recorded in the records of the circuit court and run with the land until changed as a result of another rezoning approval or amended with the approval of the land owners and the Town Council. (See Section 5-2)

Section 7-3 Conditional/Contractual Zoning - Procedure:

A. Once a rezoning petition has been filed and accepted by the Zoning Administrator, it shall be reviewed in keeping with the guidelines as found in Section 7-1 herein by the Zoning Administrator. The Zoning Administrator shall prepare a report and recommendation for presentation to the Planning Commission, a copy of which shall be transmitted to the applicant.

B. The Zoning Administrator's report, if found proper, shall indicate those conditions that are deemed necessary to ease the impact on the Town.

C. The Planning Commission, at a duly conducted public hearing, shall consider the Zoning Administrator's recommendations and discuss same with the applicant. The Commission shall forward their recommendations on the zoning petition to the Town Council for action.

D. After the recommendation of the Commission is made and prior to the Town Council's public hearing on the petition, the petitioner shall proffer in writing his agreement or non-agreement with the recommended conditions. Said proffer shall be addressed to the Town Council.

E. Once there is an agreement on the proffered conditions by the Town Council and the petitioner and the rezoning petition is approved with said proffered conditions, said proffers shall be recorded in the Clerk of the Circuit Court's office as a lien on said property involved in the rezoning petition and shall run with the land until removed by the Town Council as a result of an amendment to the original application or as a result of a subsequent rezoning petition.

ARTICLE VIII - "R-20" RESIDENTIAL DISTRICT

Section 8-1 Intent: The "R-20" District is intended to provide for suburban density residential development where such development presently exists or where the Town wishes to encourage such development.

Section 8-2 Permitted Principal Uses and Structures: The following uses and structures shall be permitted as a matter of right in the "R-20" District, subject to the other requirements of this ordinance:

A. Single-family dwellings, including summer homes or dwellings held for seasonal, recreational, or occasional use; modular and sectional dwellings.

B. Accessory uses and structures.

C. Agriculture, including the growing of forest, fruit, field and vegetable crops, but excluding grain dryers, feeder lots, dairy barns, agricultural lagoons, poultry and hog houses, kennels and other structures or areas involving the concentrated handling or containment of animals or fowl.

D. Conservation areas, including wildlife reservations and demonstration forests.

E. Parks and Playgrounds.

F. Signs, subject to the provisions of Article 15 hereof.

G. Home occupations, as defined.

H. Day care or nursery services for less than six (6) children.

I. Drainage, erosion and flood control structures and devices.

J. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

K. Cluster Development, subject to Section 18-11 hereof.

L. Churches.

M. Country Clubs, golf courses, swim and tennis clubs.

N. Condominiums, subject to Section 18-13.

Section 8-3 Special Uses and Structures: The following principal uses and structures may be permitted as a special use in the R-20 District in accordance with the provisions of Section 4 hereof.

A. Day Care Centers.

B. Rehabilitation and Group Homes or Centers.

C. Public services, facilities such as firehouses, rescue stations, government offices, schools and parks, postal facilities.

D. Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition. Failure to respond to a no objection letter within 21 days indicates no objection.

E. Public Utilities: Public water and sewer transmission mains, trunk lines and treatment facilities, including pumping stations, mass or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.

F. Funeral homes.

G. Rooming and Boarding Houses.

H. Inns, General, and Bed and Breakfast.

I. Accessory dwelling units, provided that all applicable Health Department regulations are met.

J. Restaurants in existing single-family occupied homes, with seating not to exceed twenty-four (24) persons, and with sufficient off-street parking.

Section 8-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

A. Lot Coverage - Lot coverage for R-20 District shall not exceed 86 percent of the area of the lot.

B. Lot, Minimum Lot Size - Minimum lot size for permitted residential subdivision and dwellings shall be twenty thousand (20,000) square feet.

C. Lot Width - The minimum lot width shall be eighty feet at the building site.

D. Yard Requirements, Minimum Setbacks:

	Primary	Accessory
(1) From U.S. Rt. 13	100 ft.	100 ft.
(2) From other Accessways	60 ft.	60 ft.
(3) Rear Yard (standard & protected coves)	35 ft.	6 ft.
(4) Side Yard	15 ft.	6 ft.

E. Height, Maximum - The maximum height for dwellings shall be 35 feet. (See Section 18-7)

F. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be thirty-five feet or more for both primary and accessory structures.

G. In cases where a home is to built in an established residential area, the minimum setback of sixty feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

Section 8-5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 16 hereof.

ARTICLE IX
"R-11" RESIDENTIAL DISTRICT

Section 9-1 Intent: This residential district and its regulations are intended to protect the essential residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. It is the further intent that this district be served with public or central water and sewer systems.

Section 9-2 Permitted Principal Uses and Structures:

A. Single-family, Modular and Sectional dwellings.

B. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

C. Home occupations, as defined.

D. Day care or nursery services for less than six (6) children.

E. Churches, as defined.

F. Signs as permitted under Article 15 hereof.

G. Accessory uses and structures.

H. Cluster development, subject to Section 18-12 hereof.

I. Condominiums, subject to Section 18-14.

J. Drainage, erosion and flood control structures.

K. Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition. Failure to respond to a no objection letter within 21 days indicates no objection.

Section 9-3 Special Uses and Structures:

A. Day Care Centers and Nurseries.

B. Public and private schools

C. Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities, including pumping stations, mass or community subsurface drainfields; electrical power transmission and distribution substations and transmission pipelines and pumping stations, unmanned telephone exchange centers, microwave and radio transmission and relay towers and substations.

D. Parks and playgrounds, country clubs, golf courses, swim and tennis clubs.

E. Duplex units.

F. Mobile homes, individual, without petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition.

G. Fire and Rescue stations.

H. Funeral homes.

I. Accessory dwelling units, provided that all applicable Health Department regulations are met.

Section 9-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

A. Lot Coverage - Lot coverage for R-11 District shall not exceed 40 percent of the area of a lot.

B. Minimum Lot Size - Minimum lot size for permitted residential subdivisions and dwellings shall be eleven thousand square feet with public or central sewer and water system and twenty thousand square feet with either a public or central water or sewer system, but not both.

C. Lot Width - The minimum lot width shall be sixty feet at the building site, except corner lots which shall have a width of eighty-five feet.

D. Yard Requirements, Minimum Setbacks

	Primary	Accessory
(1) From U. S. Route 13	100 ft.	100 ft.
(2) From Other Accessways	25 ft.	25 ft.
(3) Rear Yard (standard & protected coves)	30 ft.	6 ft.
(4) Side Yard	10 ft.	6 ft.

E. Height, Maximum - The maximum height for dwellings shall be thirty-five feet. (See Section 18-7)

F. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be thirty-five feet or more for both primary and accessory structures.

G. In cases where a home is to be built in an established residential area, the minimum setback of twenty-five feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

Section 9-5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 16, hereof.

ARTICLE X
"RM" RESIDENTIAL-MIXED DISTRICT

Section 10-1 Intent: This district is intended to encourage and provide for variety and flexibility in land development for residential purposes and uses ancillary thereto, that are necessary to meet those changes in technology and demands that will be consistent with the best interest of the Town of Eastville. It is the further intent to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design and a better environment.

Section 10-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right in the "RM" district subject to other provisions of this ordinance.

A. Accessory buildings.

B. Churches.

C. Parks and playgrounds.

D. Patio and atrium houses.

E. Public Utilities: Poles, lines, transforming pipes, meters and related or similar facilities; water and sewage distribution lines.

F. Townhouses - sale or rental subject to provision of Section 10-6.

G. Single-family, modular and sectional dwellings.

H. Signs as permitted in Article 15 hereof.

I. Home occupations as defined.

J. Multi-family structures with four dwelling units per building.

K. Drainage, erosion and flood control devices.

L. Condominiums subject to Section 18-13.

M. Duplex units, sale or rental.

N. Cluster development in keeping with the provisions of Section 18-12.

Section 10-3 Special Uses and Structures:

A. Country clubs, swim and tennis clubs.

B. Educational facilities, public and private.

C. Libraries.

D. Medical clinics and Hospitals.

E. Day Care, Nursery and Community Centers.

F. Professional offices.

G. Public Utilities: Public or central water and sewer transmission mains or trunk lines and treatment facilities and pump stations, and mass or community subsurface drainfields; electrical power and transmission and distribution substations and transmission lines and towers; unmanned telephone exchange centers.

H. Public office buildings and facilities owned or operated by local. state or federal governments.

I. Fire and rescue stations.

J. Nursing homes.

K. Multi-family structures with more than four (4) dwelling units per building.

L. Accessory dwelling units, provided that all applicable Health Department regulations are met.

Section 10-4 Area and Lot Widths: All residential uses within the RM district shall have the following minimum lot area, minimum lots width at the building site, and minimum site development area:

	Minimum Lot Area Sq. Ft./Unit	Min. Lot Width	Min. Lot Width for corner lots	Min. Development Area (sq.ft.)
A. Single Family Structures				
(1) With public water and public sewage systems	11,000	60'	60'	0
(2) With public water or public sewage system but not both	15,000	70'	90'	0
B. Duplex Structures				
(1) With public water and public sewage systems	9,000	65'	90'	0
(2) With public water or public sewage system but not both	20,000	110'	135'	40,000
C. Patio and Atrium Homes				
(1) With public water and sewage systems	3,600	40'	70'	36,000
(2) With public water or public sewage systems but not both	10,000	40'	70'	100,000
D. Townhouses				
(1) With public water and public sewage system	2,000	18'	30'	20,000
(2) With public water or public sewage system but not both	2,400	18'	30'	40,000
E. Multi-family (Apts.)				
(1) With public water and public sewage system	3,600	140'	170'	17,000
(2) With public water or public sewage systems but not both	5,500	140	170'	25,000

Section 10-5 Minimum Yard (Setback) Requirements: All structures within the RM district shall have the following minimum yard and setback requirements.

A.	**Yard Adjacent To A Road/Street**	SF/Duplex	Patio/Atrium	Townhouses	Multi-Family	Other
	(1) Right of Way 50' or greater along State, Secondary and Private roads	35'	30'	30'	45'	60'
	(2) Right of way 50' or less along State, Secondary and Private roads.	50'	45'	35'	60'	75'
	(3) The right of way of U. S. 13 and other primary roads.	100'	100'	100'	100'	100'
B.	**Min. for Either Side Yard**	12'	None	None	30'	20'
C.	**Min. Rear Yard**	35'	None	30'	25'	35'

D. **Minimum setback for accessory structures is not required except no accessory structure shall be located in the required front set back or yard.**

Section 10-6 Specific Use Regulations:

A. Townhouses Supplemental Regulations

(1) Density - No townhouse project or portion thereof shall have an overall density greater than one dwelling unit per two thousand four hundred (2,400) square feet of gross site area. Streets, access easements used as streets and parking areas may not be counted in meeting this two thousand four hundred (2,400) square foot minimum.

(2) Limitation on number and architectural treatment of units - No more than eight townhouses shall be included in any one townhouse grouping. The facades of dwelling units in a townhouse development may be varied by changed front yards and variation in materials or design, so that abutting units need not have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.

(3) Access - Each townhouse shall front on a dedicated public street or a thirty-four foot minimum width access easement. If access is to be provided by means of a private access easement, the following minimum standards of development shall be observed.

a. Pavement width of twenty-four feet minimum, exclusive of parking.

b. Concrete curb and gutter on both sides of street or easement.

c. Sidewalks five feet in width on at least one side of the easement and where townhouses front on the easement, constructed of concrete, brick, stone, or some other material of reasonable durability and safety.

d. The radius for all cul-de-sacs shall be at least forty feet and paved to a minimum radius of thirty-five feet.

(4) Fire walls, party walls, and fire division - Attached dwellings shall be separated by a wall meeting fire protection requirements as set forth in the Virginia Uniform Statewide Building Code, as amended.

(5) Common areas - Common areas shall be maintained by and be the sole responsibility of the developer/owner of the townhouse development until such time as the developer/owner conveys such common area to a non-profit entity consisting of at least all of the individual owners of the townhouses in the townhouse development. The land shall be conveyed to and be held by the non-profit entity solely for recreation, open space, private access easements, circulation and parking purposes. In the event of such conveyance by the developer/owner to a non-profit entity, deed restrictions and covenants shall include, among other

things, that any assessments, charges and costs of maintenance of such common areas shall constitute a pro rata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded first and second mortgages or deeds of trust on the townhouse lot. Maintenance of buildings' exteriors, landscaping, lighting (other than that in the public right-of-way) and drainage shall be provided for common areas in a similar manner so as to discharge the incorporated town from any responsibility.

Section 10-7 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article 16, hereof.

Section 10-8 Maximum Height of Buildings: The maximum height of all structures shall be forty feet. (See Section 18-6 and 18-7)

ARTICLE XI
"CN" COMMERCIAL NEIGHBORHOOD DISTRICT

Section 11-1 Intent: This district is intended to provide for the conduct of limited business which provide convenience, goods and services to local neighborhoods surrounding rural areas and within incorporated towns.

Section 11-2 Principal Permitted Uses and Structures: The following uses shall be permitted by right:

A. Accessory buildings.

B. Professional and business offices.

C. Banks and lending institutions.

D. Fire and rescue stations.

E. Parking garages and lots.

F. Libraries.

G. Clothes pressing and cleaning shops.

H. Restaurants, enclosed.

I. Signs as permitted under Article 15 herein.

J. Retail service stores such as barber shops, beauty parlors, shoe repair shops, hand laundries, laundromats, establishments for receiving and distributing articles for laundering or cleaning, blue print, photostat and similar reproduction establishments and printing establishments.

K. Stores for the retail sale, repair (or both) of household appliances, musical instruments, and sporting goods furniture.

L. Stores for the retail sales of antiques and crafts, automobile supplies, books, cigars, clothing and apparel of any kind, dry goods, drugs, garden supplies, gifts, electrical goods and supplies, food and food products of any kind including production of bakery goods for retail sale in the same establishment but not including the killing of poultry or any other livestock; furniture, household furnishings and decorator's supplies, hardware, florist goods, luggage and leather goods, office supplies, optical goods, pets and pet supplies but not any veterinary services. Photographic equipment and supplies, variety goods, toys, jewelry, music, stationery, newsstands and similar retail establishments.

M. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

N. Radio broadcasting and television stations and studios.

O. Theater (indoor).

P. Taxicab stands.

Q. Virginia ABC Stores.

R. Health spa centers.

S. Educational institutions.

T. Schools of special instruction.

U. Day Care Centers.

V. Community centers.

W. Drainage, erosion and flood control devices and structures.

X. Residential apartments above stores.

Y. Condominiums, subject to Section 18-13.

Z. Sidewalk cafes, restaurants, and coffee shops.

Section 11-3 Special Uses and Structures:

A. Automobile service stations and laundries.

B. Bowling alleys, roller skating and ice skating rinks, billiard parlors and pool rooms, dance halls and similar forms of public amusement.

C. Shopping centers - neighborhood, community and regional, subject to Article 18-10 and other provisions herein.

D. Public Utilities: Public water and sewer transmission mains, trunk lines and treatment facilities and pumping stations, and massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.

E. Funeral parlors, homes.

F. Craft industry.

G. Inns, General, and Bed and Breakfast.

H. Churches.

Section 11-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

A. Lot Coverage - Lot coverage in C-N District shall not exceed 60 percent of the area of the lot.

B. Minimum Lot Size - None required except as provided for in Article 18 herein.

C. Minimum Lot Width - One hundred (100) feet.

D. Yard Requirements, Minimum Setbacks:

	Primary	Accessory
(1) From U.S. Route 13	100 ft.	100 ft.
(2) From other roads	None	None
(3) Rear yard	None*	None*
(4) Side yard	None*	None*

*Except where a permitted use abuts a residential district where the requirement will be twenty-five (25) feet for side yards and thirty-five (35) feet for rear yards.

E. Height, Maximum - All buildings - thirty-five (35) feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from the street and lot lines (not constituting district boundaries) in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the thirty-five foot limit. (See also Article 18)

Section 11-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided for in keeping with Article 16 herein.

ARTICLE XII
"CG" COMMERCIAL GENERAL DISTRICT

Section 12-1 Intent: It is the intent of this district to provide appropriate locations for a broad range of commercial activities which are characterized by heavy truck and vehicle traffic and occasional nuisance factors which are highway oriented.

Section 12-2 Principal Permitted Uses and Structures: The following uses and structures shall be permitted by right, subject to other provisions herein:

A. Retail stores and services, professional offices, banks and lending institutions, fire and rescue stations, libraries, restaurants, and residential apartments above stores.

B. Automobile service stations.

C. Bowling alleys, roller skating and ice skating rinks, billiard parlors and pool rooms, dance halls and similar forms of public amusement.

D. Shopping centers - neighborhood, community and regional, subject to Article 18 and other provisions herein.

E. Funeral homes.

F. Ambulance services.

G. Hotels and motels.

H. Bakeries.

I. Cabinet-making shops.

J. Catering establishments.

K. Retail nurseries and greenhouses.

L. Contractors' home office facilities and storage yards, establishments for the installation and servicing of the following: air conditioning; electrical service; flooring; heating; interior decorating; painting; plumbing; roofing; tiling; ventilating; with all materials stored entirely in buildings enclosed on all sides or within walls or fences, supplemented by plantings, as may be prescribed by the planning commission.

M. Frozen food lockers.

N. Grain and feed supply stores.

O. Machinery sales and services.

P. Ice storage.

Q. Monument works.

R. Pressing and cleaning shops.

S. Printing establishments and newspaper publishers.

T. Retail sales of garden materials, supplies, hardware, and building material supplies and accessory uses. Display areas may be required to have screening as determined by the planning commission under site plan approval.

U. Taxidermist shops.

V. Upholstering establishments, furniture repair.

W. Veterinary or dog or cat hospitals.

X. Auctioneering establishments.

Y. Automobile laundries.

Z. Automobile parking garages, repair garages.

AA. Automobile, truck, boat, motorcycle, trailer service and rentals; sales rooms entirely enclosed on all sides in connection with which there may be outdoor display of vehicles (a) on the same lot therewith, (b) incidental and accessory thereto, and (c) not including the display of any vehicle that is not in operating condition.

BB. Farm equipment and machinery sales entirely enclosed on all sides in connection with which there may be an outdoor display of vehicles on the same lot as an incidental use, but not to exceed the area of the enclosed sales room.

CC. Drive-in restaurants.

DD. Theaters, enclosed.

EE. Miniature golf and enclosed driving ranges.

FF. Wholesale commercial establishments and warehouses; moving and storage establishments, packing and grading sheds.

GG. Flea markets, wayside stands.

HH. Convention centers.

II. Soft drink bottling plants.

JJ. Signs, as permitted under Article 15 herein.

KK. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.

LL. Drainage, erosion and flood control devices.

MM. Mobile home and travel trailer sales and service.

NN. Condominiums, subject to Section 18-13.

OO. Educational institutions, public and private.

Section 12-3 Special Uses and Structures: The following uses may be permitted by special use permit:

A. Commercial sports arenas and stadiums.

B. Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities and including pumping stations, massive or community subsurface drainfields; electrical power transmission lines and towers, oil and gas transmission lines and pumping stations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.

C. Hospital medical centers and nursing homes.

Section 12-4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

A. Lot Coverage - Lot coverage in C-G District shall not exceed 60 percent of the area of the lot.

B. Minimum Lot Size - None required except as required for in Article 17 herein.

C. Minimum Lot Width - One hundred (100) feet.

D. Yard Requirements, Minimum Setbacks:

	Primary	Accessory
(1) From U.S. Route 13	100 ft.	100 ft.
(2) From other roads	None	None
(3) Rear yard	None*	None*
(4) Side yard	None*	None*

*Except where a permitted use abuts a residential district where the requirement will be twenty-five (25) feet for side yards and thirty-five (35) feet for rear yards.

E. Height, Maximum - All structures- thirty-five (35) feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from street and lot lines (not constituting district boundaries) in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot height that it exceeds the thirty-five foot limit. (See Article 18)

Section 12-5 Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be provided in keeping with Article 16 herein.

Figure 1

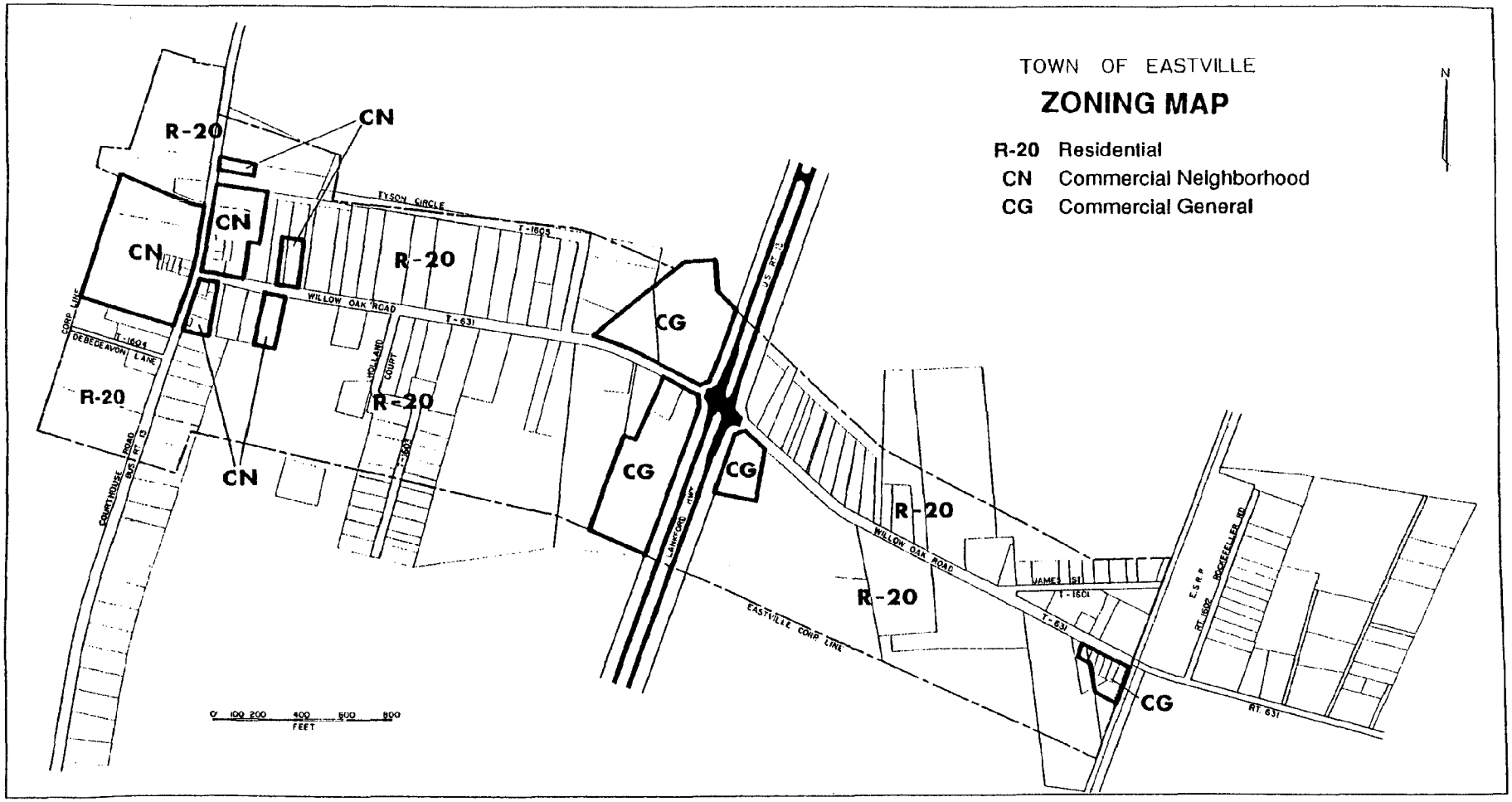
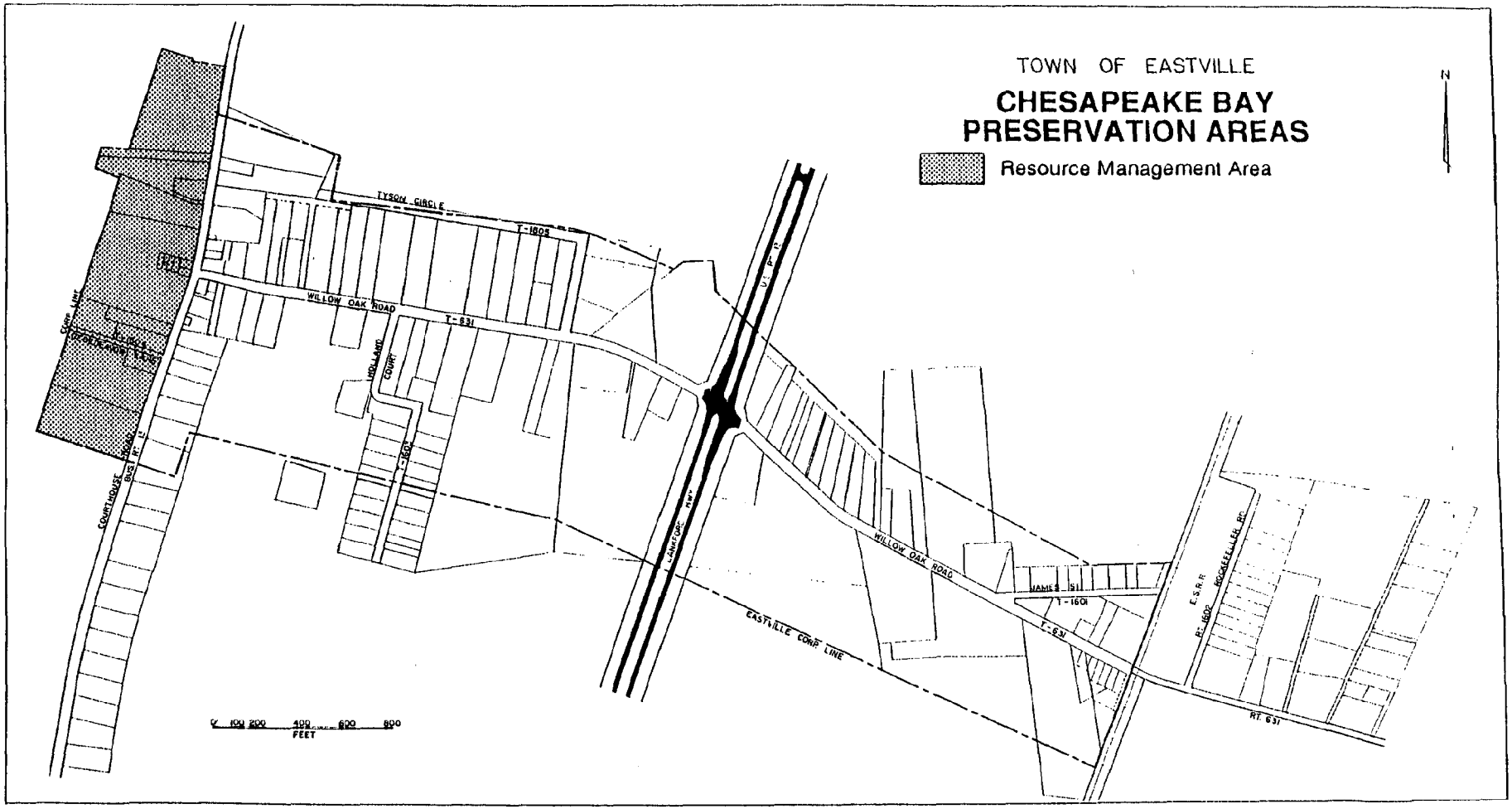

TOWN OF EASTVILLE
ZONING MAP
R-20 Residential
CN Commercial Neighborhood
CG Commercial General
N
R-20
CN
CN
CN
CN
R-20
R-20
R-20
R-20
CG
CG
CG
CG
TYSON CIRCLE
T-1605
WILLOW OAK ROAD
T-631
CORP LINE
T-1604
DEBEDEAVON LANE
HOLLAND COURT
COURTHOUSE ROAD
BUS RT 13
LANKFORD HWY
EASTVILLE CORP LINE
JAMES ST
T-1601
E.S.R.P.
RT 1602
ROCKEFELLER RD
RT 631
0 100 200 400 600 800
FEET

Figure 2


TOWN OF EASTVILLE
CHESAPEAKE BAY
PRESERVATION AREAS
Resource Management Area
N
TYSON CIRCLE
T-1605
WILLOW OAK ROAD
T-631
HOLLAND COURT
COURTHOUSE ROAD
BUS RT. 1
LANKFORD HWY
EASTVILLE CORP. LINE
WILLOW OAK ROAD
JAMES ST
T-1601
T-631
E.S.R.R.
RT. 1602
ROCKEFELLER RD.
RT. 631
0 100 200 400 600 800
FEET

ARTICLE XIII
CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT

Section 13-1 Title: This ordinance shall be known and referenced as the "Chesapeake Bay Area Overlay District" of the Town of Eastville.

Section 13-2 Findings of Fact: The Chesapeake Bay and its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the Town of Eastville, Northampton County and the Commonwealth of Virginia. The health of the Bay is vital to maintaining the Town of Eastville's and Northampton County's economies and the welfare of their citizens.

The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Eastville Town Council as Chesapeake Bay Preservation Areas (hereinafter "CBPAs"), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in the Town of Eastville, Northampton County and the Commonwealth of Virginia.

Section 13-3 Purpose and Intent:

A. This article is enacted to implement the requirements of Section 10.1-2100 and Title 15.1, Chapter 11, Article VIII of the Code of Virginia, 1950 as amended (The Chesapeake Bay Preservation Act) and amends the Eastville Zoning Ordinance. The intent of the Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Eastville.

B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and

approval procedures provided for in other applicable ordinances shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

C. This Article is enacted under the authority of Section 10.1-2100 (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia. Section 15.1-489 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-44.85 (8)."

Section 13-4 Areas of Applicability:

A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Town Council and as shown on the Chesapeake Bay Preservation Area Overlay District Map. Such map together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Article.

(1) The Resource Management Area (RMA) is composed of the following land categories: floodplains, highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands; other lands necessary to protect the quality of state waters.

(2) The RMA generally consists of the land area of Eastville west of Business Route 13.

B. The Chesapeake Bay Preservation Area Overlay District Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the Town of Eastville prior to engaging in a regulated activity.

C. Areas designated as redevelopment areas shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section 14-10 (Performance Standards.)

D. If the boundaries of a CBPA include a portion of a lot, parcel, or development project, then the entire lot, parcel, or development project shall comply with the requirements of the Overlay District. The division of property shall not constitute an exemption from this requirement.

Section 13-5 Use Regulations: Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

Section 13-6 Lot Size: Lot size shall be subject to the requirements of the underlying zoning district(s).

Section 13-7 Required Conditions:

A. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of the Zoning Ordinance or a subdivision plat in accordance with the Subdivision Ordinance.

B. A water quality impact assessment may be required for any proposed development or redevelopment within RMAs because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section 13-10, of this Article.

C. Redevelopment shall conform to applicable stormwater management and erosion and sediment control criteria as set forth in Section 13-9 of this article.

Section 13-8 Conflict with other Regulations: In any case where the requirements of this Article conflict with any other provision of the Town of Eastville Zoning Ordinance and other regulations or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

Section 13-9 Performance Standards:

A. Purpose and Intent.

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 40% reduction in nonpoint source pollution from agricultural uses.

B. General Performance Standards for Development and Redevelopment.

(1) Land disturbance shall be limited to the area necessary to provide for the desired

use or development.

a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.

b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.

(2) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.

a. Existing trees over six (6) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.

b. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator.

c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected 5 feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

(3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.

a. Grid and modular pavements may be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Zoning Administrator.

b. Parking space size. See Article XV of this Ordinance.

(4) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of Northampton County's Erosion and Sediment Control Ordinance.

(5) All on-site sewage disposal systems not requiring an VPDES permit shall be pumped out at least once every five years, in accordance with the provisions of

the Northampton County Health Code.

(6) A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the Northampton County Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.

(7) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:

a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay watershed (0.45 pounds of phosphorous per acre per year);

b. For isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;

2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;

3. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.

c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution can be substituted for the existing development loadings.

(8) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section 13-11, of this Article.

(9) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District by January 1, 1995.

Section 13-10 Water Quality Impact Assessment:

A. Purpose and Intent. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands within Resource Management Areas and other environmentally sensitive lands; ensure that, where development does take place within Resource Management Areas and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of Resource Management Areas and other sensitive lands; and specify mitigation which will address water quality protection.

B. Water Quality Impact Assessment Required. A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, may be required for any proposed development or redevelopment within an RMA. The Administrator may waive this requirement when it is apparent that the unique characteristics of the site (such as the topography, soils, groundcover, location of wetlands and tidal shores) will prevent the proposed development from causing a degradation of water quality.

C. Contents of a Water Quality Impact Assessment. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The information required in this section shall be considered a minimum, the Administrator may determine that additional information is necessary due to the nature and scope of the proposed use and development of land. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:

(1) Location of areas of clearing or grading; and the location of any structures, driveways and other impervious cover.

(2) Type and location of proposed stormwater management facilities and best management practices necessary to comply with performance standards for stormwater management contained in Section 13-9.

(4) Calculation of pre- and post-development pollutant loading in accordance with Section 13-9.B(7).

(5) Identification and status of any required wetlands permits from federal, state or local agencies.

(6) An erosion and sediment control plan in accordance with the requirements of Northampton County's Erosion and Sediment Control Ordinance.

(7) A narrative describing the site; the impacts of the proposed development on topography, soils, hydrology and geology; and the measures taken to mitigate nonpoint source pollution.

D. Evaluation Procedure.

(1) Upon the completed review of a water quality impact assessment, the Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the purpose and intent of this Article or if the proposed development is consistent with the purpose and intent of this Article. The Administrator will make a finding based on the following criteria in conjunction with Article XVII:

a. The disturbance of wetlands will be minimized;

b. Impervious surface is minimized;

c. The development, as proposed, meets the purpose and intent of this Article;

d. Proposed erosion and sediment control devices are adequate to achieve the reductions in runoff and prevent off-site sedimentation;

e. Proposed stormwater management facilities and practices are adequate to control the stormwater runoff to achieve the required standard for pollutant control;

f. The development will not result in unnecessary destruction of plant materials on site;

g. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

(2) The Administrator may request review of the water quality impact assessment by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by

CBLAD will be considered by the Planning Commission provided that such comments are provided by CBLAD within thirty (30) days of the request.

Section 13-11 Plan of Development Process:

A. Application. Any development or redevelopment (i) exceeding 2,500 square feet of land disturbance in Chesapeake Bay Preservation Areas or (ii) exceeding 5,000 square feet of land disturbance outside of Chesapeake Bay Preservation Areas shall be accomplished through a plan of development process prior to any clearing or grading of a site or the issuance of any building permit, to assure compliance with all applicable requirements of this Ordinance. The plan of development process shall generally be satisfied by the approval of a site plan, or a plot plan in accordance with the provisions in Section 13-11.B, and any additional plans or studies as required by the Administrator.

B. Plot Plans. One copy of a plot plan drawn to scale for individual single-family dwellings or accessory structures for single-family residences and which will result in an area of impervious surface of less than 16 percent of any lot or parcel, shall be submitted to the Administrator for review and approval.

1. Required Information. At a minimum, the plot plan shall be drawn to scale and contain the following information:

(a) A boundary survey of the site drawn to scale or site drawing showing the north arrow and property line boundaries and distances.

(b) Area of the lot/parcel.

(c) Location, dimensions, and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.

(d) Location of all building restriction lines, setbacks, easements, covenant restrictions, and rights-of-way.

(e) Dimensions and location of all existing driveways, parking areas, or other impervious surfaces.

(f) Location of all existing and proposed septic tanks and drainfield areas including reserve areas required according to Section 13-9 and the location of all existing and proposed wells.

(g) Limits of clearing and grading.

(h) Specifications for the protection of existing trees and vegetation during

clearing, grading, and all phases of construction.

(i) Location of all erosion and sediment control devices.

(j) Amount of impervious surface proposed for the site.

C. Site Plan. A site plan for any proposed development which will result in 5,000 square feet of land disturbance or greater, or any proposed development which will result in an area of impervious surface lot coverage of 16 percent or greater, or any industrial development proposal shall be submitted to the designated authority for review and approval.

1. Required Information. The applicant shall submit six (6) prints at a scale of one hundred (100) feet to the inch of the site plan to the designated authority. At a minimum, the site plan shall contain the information required for a plot plan above and the following additional information:

(a) The proposed title of the project and the names and addresses of the professional(s) preparing the plan, the owner or owners of record, and the applicant, if different, and a signature panel for the designated authority's approval.

(b) Site boundaries, north arrow, scale, the present zoning and current use of the property and all contiguous or abutting parcels.

(c) Existing topography with a maximum contour interval of two (2) feet.

(d) All wetlands permits required by law.

(e) Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on the site plan, including the location of all wooded areas before development, the proposed limits of clearing and all trees to be preserved in accordance with Section 13-9 of this Article.

(f) Public sanitary sewer system, public water mains and fire hydrants.

(g) Slopes, terraces, retaining walls, fencing and screening within required yards, and any shoreline stabilization structures.

(h) Plans for collecting and depositing stormwater and method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.

(i) Stormwater management plan which shows the following:

(1) Location and design of all planned stormwater control devices.

(2) Procedures for implementing non-structural stormwater control practices and techniques.

(3) Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations.

(4) For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.

(5) The plan shall establish a long-term schedule for inspection and maintenance for the planned stormwater management control devices, including all maintenance requirements, persons responsible for performing maintenance, and any agreement necessary to ensure the maintenance is carried out.

D. Review by Administrator. The Administrator shall review plot plans, site plans and subdivision plans for compliance with all requirements of this Ordinance. Within sixty (60) days of submission of a plot plan, site plan, or subdivision plan, the applicant shall be advised in writing, by formal letter or by legible markings on the plan, of any additional data that may be required or improvements that need to be made for compliance with this Ordinance.

E. Denial of Plan, Appeal of Conditions or Modifications. In the event the plot plan or site plan is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Town Council. In granting an appeal, the Town Council must find such plan in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of this Ordinance. If the Town Council finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

Section 13-12 Exemptions:

A. Exemptions for Utilities, Railroads, and Public Roads.

1. Construction, installation, operation, and maintenance of electric, gas, and telephone transmission lines, railroads, and public roads and their appurtenant structures, including sidewalks and lighting, in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (Section 10.1-560

et seq. of the Code of Virginia) and the Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements will be exempt from the Overlay District requirements. The exemption of public roads is further conditioned on the following:

a. Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize (i) encroachment in the Resource Protection Area and (ii) adverse effects on water quality;

b. Public roads as defined in Section II of this article are exempt from Overlay District requirements.

2. Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the Overlay District provided that:

a. To the degree possible, the location of such utilities and facilities shall be outside RPAs;

b. No more land shall be disturbed than is necessary to provide for the desired utility installation;

c. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

d. Any land disturbance exceeding an area of 2,500 square feet complies with all Northampton County Erosion & Sediment Control Ordinance requirements.

B. Exemptions for Silvicultural Activities.

Silvicultural activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations.

Section 13-13 Exceptions:

A. A request for an exception/variance to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed

exception on water quality through the performance of a water quality impact assessment which complies with the provisions of Section 13-11.

B. The Zoning Administrator shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Zoning Administrator finds:

(1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;

(2) The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

(3) The exception request is the minimum necessary to afford relief;

(4) The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and

(5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

C. If the Zoning Administrator cannot make the required findings or refuses to grant the exception, the Zoning Administrator shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance as provided in Article VI of this Ordinance.

D. The Board of Zoning Appeals shall consider the water quality impact assessment and the findings and rationale of the Zoning Administrator in determining harmony with the intended spirit and purpose of this Article and the guidelines for considering variances as established in Article VI of this Ordinance.

ARTICLE XIV - SIGNS

Section 14-1 "R-20" and "R-11" Districts: The following signs shall be permitted and regulations shall apply in the R-20 and R-11 districts:

A. Temporary Directional Signs - Four square feet.

B. Home Occupations - If illuminated, no flashing, blinking, color-changing or neon lighting. Maximum size - Four square feet.

C. Farm and Residential Identification Signs -

(1) Not more than four square feet in area;

(2) Not more than one on any farm or premises.

D. Temporary Event Signs -

(1) Not more than four square feet in area;

(2) Not more than one on any lot or premises;

(3) Posted for not more than 30 days.

E. Sale or Rental Signs -

(1) Not more than four square feet in area per sign.

F. Political Signs, Public Signs and No Trespassing, Hunting and Fishing Signs -

(1) Not more than four square feet in area per sign.

G. Subdivision Signs - See Section 2-3.

H. Auction Signs -

(1) Not more than thirty-two square feet in area;

(2) Not more than one on any lot or premises.

I. On Premises, Church and Non-Profit Organization Signs - Maximum size - 16 square feet.

Section 14-2 "RM" District: The following signs shall be permitted and regulations shall apply in the RM district:

A. Business Signs - Limited to wall signs with an aggregate area not to exceed twenty square feet. If illuminated, no flashing, blinking or color-changing, or exposed, bare or uncovered neon illumination of lighting.

B. Sale or Rental Signs -

(1) Not more than thirty-two square feet in area;

(2) Not more than one on any lot or premises;

(3) No illumination permitted.

C. Home Occupation Sign - If illuminated, no flashing, blinking, no color-changing or neon illumination of lighting. Maximum size -four square feet.

D. Identification Signs -

(1) Not more than thirty-two square feet in area;

(2) Not more than one on any lot or premises.

E. Temporary Directional Signs - Maximum Size - Four square feet. No illumination.

F. Temporary Event Signs -

(1) Not more than four square feet in area;

(2) Not more than one on any lot or premises.

G. Political, Public and No Trespassing, Hunting and Fishing Signs

(1) Not more than four square feet in area per sign.

H. Subdivision Signs - Maximum Size - Sixty square feet.

I. Auction Signs -

(1) Not more than thirty-two square feet in area;

(2) Not more than one on any lot or premises.

J. On Premises, Church, Non-Profit Organization Signs - Maximum Size - 16 square feet.

Section 14-3 "CN" and "CG" Districts: The following signs shall be permitted and regulations shall apply in the CN and CG districts: (See also Section 14-11)

A. Business Signs (Free-Standing or Projecting Signs) -

(1) If illuminated, no moving, flashing, blinking, color-changing or exposed, bare or uncovered neon illumination or lighting;

(2) The aggregate area of such signs shall not exceed 100 square feet.

(3) No portion of such sign shall be greater in height than thirty feet from ground level or the height of the eave line of the roof of the main building located on the premises upon which such is erected, whichever is higher;

(4) No more than two free-standing signs on any one lot or premises;

(5) No more than three projecting signs. (See also Section 14-7)

B. Business Signs (Wall) -

(1) If illuminated, no moving, flashing, blinking, color-changing, or exposed, bare or uncovered neon illumination or lighting;

(2) The aggregate area of all such signs shall not exceed one hundred square feet;

(3) No portion of such sign shall be greater in height than thirty feet from ground level or the eave line of the roof of the main building located on the premises upon which sign is erected. (See also Section 14-7)

C. Sale or Rental Signs - Not more than two signs with an aggregate area of sixty-four square feet and limited to sixteen feet in height.

D. Temporary Event Signs -

(1) Not more than twenty-five square feet in area;

(2) Not more than two on any lot or premises.

E. Public, No Trespassing, Hunting, Fishing and Political Signs

F. Location Signs (General Advertising) -

(1) If illuminated, no moving, flashing, blinking or color-changing or neon illumination or lighting.

(2) The area of the sign shall not exceed one hundred forty-four square feet;

(3) No portion of the sign shall be greater in height than thirty feet from ground level;

(4) Provided further, that no such sign shall be closer to another such sign than one thousand five hundred feet on the same side of the right-of-way.

G. Auction Signs -

(1) Not more than thirty-two square feet in area;

(2) Not more than one on any lot or premises.

Section 14-4 Removal of Signs: All signs shall be properly maintained and whenever a sign becomes structurally unsafe or endangers the safety of a structure or premises or the public, or is erected or maintained in violation of this ordinance, the zoning administrator shall order such sign to be made safe or comply with this ordinance, as the case may be, or be removed. Such order shall be sent by registered mail and shall be complied with within twelve days from the date of mailing such order by the persons owning or responsible for the sign. Failure to comply shall constitute grounds for the Zoning Administrator to have the sign removed, and the cost thereof shall be added to any fine imposed for violation under this ordinance.

Section 14-5 Nonconforming Signs and Discontinuance: Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. If any nonconforming sign is destroyed or damaged to the extent that the cost of restoration of its condition before the occurrence shall exceed fifty percent of the cost of reconstructing such sign, it shall be restored only if such use complies with the minimum size requirements of this ordinance.

Section 14-6 Signs as Traffic Hazards: No sign shall be located or illuminated in such a manner as in the opinion of the zoning administrator to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination of the sign are approved by the zoning administrator, who may consult with the resident highway office, Virginia Department of Highways and Transportation to assist him in determining whether a traffic hazard exists.

Section 14-7 Height and Illumination Generally:

A. No part of any sign projecting more than twelve inches from any wall or from any other support shall be less than ten feet above the level of the ground at that point.

B. Illumination of any advertising sign in a commercial or industrial district located within three hundred feet of any residential district, shall be extinguished between the hours of 12:00 Midnight and 7:00 a.m., except in hardship cases where the Board of Zoning Appeals may grant variances.

Section 14-8 Prohibited Signs: The following types of signs are prohibited in all zoning districts:

A. Any sign or pennant of which all or any part is designed to produce motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere.

B. Any sign displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not less than a five second cycle when such time or temperature sign does not constitute a public safety or traffic hazard, in the judgment of the zoning administrator.

C. Any permanent lighting either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof.

D. Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.

E. Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by public authority.

F. Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, or egress for any building, as required by law.

G. Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.

H. Any portable sign, including any sign displayed on a vehicle when used primarily for the purpose of such display; except that this paragraph shall not apply to temporary political signs.

I. Any sign that violates any provision of any law of the state relative to outdoor advertising.

Section 14-9 Sign Permits:

A. No sign except temporary event signs, in excess of five square feet in area shall be erected without first obtaining a sign permit from the zoning administrator. No such permit shall be issued unless the proposed sign conforms with the requirements of this ordinance.

B. Every application for a sign permit shall be accompanied by a set of plans showing: The area of the sign, the size, structure, character and design proposed, the method of illumination if any, and the exact location proposed for the sign.

Section 14-10 Allowable Design and Content of Business Signs: It is the intent of this limitation to prohibit the use of exterior signs for the general advertisement of products, services or other matters having no relation to the premises upon which they are placed. The content or advertising message carried by business signs hereafter erected shall be limited to one or more of the following:

A. The identification of building or its owners or occupants.

B. Information concerning lawful activities on the premises or primary goods or services offered in connection therewith.

C. The design shall conform with the building's architecture.

Section 14-11 Shopping Centers: Allowable Sign Dimensions and Special Regulations:

A. Shopping centers shall be permitted one free-standing sign per street frontage; except that no more than two free-standing signs will be permitted for each shopping center. A free-standing shopping center sign shall display the shopping center name and may include identification signs for each individual store within the shopping center. Said signs shall be no larger than one hundred square feet.

B. Individual shops and businesses in the shopping center may have all signs provided. If illuminated, no moving, flashing, or blinking, color-changing, or exposed bare or uncovered neon illumination or lighting.

C. The aggregate area of a business wall sign shall not exceed twenty-four square feet.

D. No portion of such sign shall be greater than thirty (30) feet in height from ground level, or extend beyond the eave line of the roof of the building located on the premises upon which such sign is erected. In lieu of the foregoing, specially designed signing consistent with the overall development plan for the shopping center is permitted subject to the approval of the Planning Commission.

E. Individual shops and businesses in shopping centers may have identification signs under covered walks provided the sign is not more than three square feet in area and there is not more than one on a premise.

Section 14-12 Sign Setbacks: All signs, except "For Sale" or rental signs shall set back 10 feet from any road right-of-way.

ARTICLE XV
OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 15-1 Intent: There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exists by standard-size automobiles, as follows in this Article.

Section 15-2 Space on Same Lot and Adjacent Lots:

A. All off-street parking space appurtenant to any residential use permitted in any residential district shall be provided on the same lot with the use of which it is appurtenant, except as qualified below.

B. All off-street parking space appurtenant to any use other than a residential use permitted in any residential district shall be provided on the same lot with the use of which it is appurtenant except where practical difficulties prevent such location or where the public safety or the public convenience would be better served by the location thereof other than on the same lot. In such cases, the Planning Commission may authorize such alternative location of required parking space as will adequately serve the public interest.

Section 15-3 Location of Parking:

A. In any residential area where parking spaces are accommodated in parking bays, no space shall be further than one hundred feet from its appurtenant dwelling unit.

B. Of such required spaces, one-third of the total number shall be so located as to be convenient for visitors and tradesmen requiring frequent ingress and egress.

Section 15-4 Cooperative Parking:

A. Parking space required under the provisions of this ordinance may be provided

cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space, as such arrangements are approved by the Planning Commission.

B. The amount of such combined space shall be equal to the sum of the amounts required for the separate uses; provided, that the Planning Commission may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization under the provisions of a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

Section 15-5 Safe and Convenient Access Required: All off-street parking space and off-street loading space shall be provided with safe and convenient access to a street. All permitted uses requiring site plan approval shall have entrances constructed in accord with the specifications of the county resident engineer and State Department of Highways and shall be approved by the Zoning Administrator.

Section 15-6 Parking Area Design:

A. All off-street parking space, loading space, aisles, and driveways except those provided for single-family dwellings shall be constructed and maintained with a surface of such type of construction that the same will not be a detriment to the health and safety of any adjacent residential occupants and will be available for safe and convenient use at all times. It shall have appropriate guards where needed as determined by the administrator and all off-street parking spaces shall be delineated on the site.

B. Any lights used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district and in a manner not to affect traffic on adjacent roads. Lighting of parking lots is mandatory.

C. All parking spaces will be so designed that no part of any vehicle will extend over any property line, right-of-way, walkway, driveway or aisle space.

D. All parking lots, bays or areas shall be landscaped to the maximum extent possible in keeping with good safety practice. Where adjacent to residential districts, all lots shall be screened.

Section 15-7 General Requirements: Off-street parking spaces and lots shall meet the following general requirements:

A. Parking spaces for all residential uses shall be provided on the same lot with the use or structure to be served except as provided herein.

B. Where it is impractical to provide all or part of the required off-street parking on the same lot or where the public safety or convenience would be better served by the location of required off-street parking other than on the site, the Planning Commission may authorize alternative locations subject to the following conditions:

(1) Maximum distances to off-site lots or spaces must be not more than one hundred fifty feet from two-family and multi-family attached dwelling units and not more than five hundred feet from all other uses. Distances shall be measured by normal pedestrian routes.

(2) Approval will be subject to special conditions and safeguards called for in the circumstances of the case, to design and improvement standards applying to off-street parking areas, and to the requirement that such parking space shall be associated with the permitted use of structure, not be reduced or encroached upon in any manner.

(3) The required number of off-street parking spaces for any number of use may be combined in one lot provided that each space is permanently available to the assigned use. The Planning Commission may reduce the amount of space required for a church, or for a meeting place of a civic, fraternal, or similar organization by reason of different hours of normal activity than those of other uses participating in the combination of required spaces.

C. Construction vehicles, trucks and trailers of a gross weight of more than six thousand pounds shall not be parked in the areas between the front lot line and the setback line in any residential district.

D. Area reserved for off-street parking in accordance with this ordinance shall not be reduced in area or changes made to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Zoning Administrator.

E. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing use or structure shall not be reduced to an amount less than hereinafter required for a similar new use or structure.

Section 15-8 Site Requirements: All off-street parking space, aisles and driveways, except those provided for one- and two-family dwellings, shall be constructed and maintained in accordance with the following requirements:

A. All such parking and drive areas shall be graveled or surfaced in some other manner to reduce erosion and to reduce the generation of mud and dust. Where more than ten spaces are required, the zoning administrator may require hard surfacing when such requirement would be to the public benefit.

B. Parking areas shall be adequately drained.

C. Parking lots shall have appropriate guards where needed as determined by the zoning administrator.

D. All off-street parking spaces with hard surfaces and in excess of ten shall be delineated on the site.

E. Lighting used to illuminate parking areas shall be arranged so that light is reflected away from adjacent properties and in a manner not to affect traffic on adjacent roads.

F. All parking spaces shall be designed so that no part of any vehicle extends over any property line, right-of-way, walkway, driveway or aisle space.

G. All off-street parking lots and areas shall be landscaped to the maximum extent possible in keeping with good safety practices. Where adjacent to residential and conservation districts, all lots and areas shall be screened.

H. General Standards: Any off-street parking space shall have minimum dimensions of nine by twenty feet, provided that the minimum dimensions for parallel parking spaces shall be nine by twenty-two feet. Each space shall be unobstructed, shall have access to a street and shall be so arranged that any automobile may be moved without moving another, except in the case of parking for one- and two-family dwellings and in the case of parking for employees on the premises.

In addition:

(1) Minimum aisle widths required for parking areas shall be according to the following table:

Parking Angle (in degrees)	Aisle Width (in feet)
0-44	12
45-59	13.5
60-69	18.5
70-79	19.5
80-89	21
90	22

(2) Requirements for handicapped access: For each 25 off-street parking spaces, there shall be one off-street parking space for one handicapped person. Parking spaces for handicapped persons shall have a minimum dimension of twelve by twenty feet and shall be clearly marked "Handicapped Parking Only".

Section 15-9 Requirements and Specifications for Off-Street Loading Space:

A. Requirements. Off-street loading facilities shall be provided on the premises of any use hereafter established or enlarged, and occupying more than 3,000 square feet of lot area which, during the course of a normal operating day, customarily receives or distributes goods or materials by trucks more than 20 feet in overall length. One such space shall be provided if the land devoted to such establishment or use has an area of more than 3,000 but less than 20,000 square feet of land area or remaining fraction thereof exceeding 10,000 square feet.

B. Specifications. Loading spaces shall be 12 feet by 45 feet with minimum height clearance of 14 feet both for the space and for accessways and maneuvering areas related to it, provided that upon clear demonstration to the zoning administrator that loading spaces of lesser dimensions will satisfy the requirements or the use involved, he may permit loading spaces of such lesser dimensions as he may specify as appropriate in the particular case.

All loading space and related access areas shall be graded, improved and maintained in a manner permitting safe and convenient use under normal weather conditions, and so as to avoid adverse effects on neighboring property as a result of dust or drainage.

No required loading space shall be in any required yard adjacent to a public street and shall be marked as loading space.

Section 15-10 Minimum Parking Spaces Required for Permitted Uses: The following spaces shall be required:

Animal hospitals and commercial kennels - One space per four hundred square feet of gross floor area plus one per each employee.

Automobile laundries - One space per each three employees plus a reservoir of five times the maximum capacity of the laundry.

Automobile service stations - One space per each service stall. In addition, when accessory activities such as the rental of automobiles, trucks and trailers of all types are involved on site there shall be provided suitable area to accommodate the highest number of rental units expected at any one time.

Banks - One parking space for each one hundred fifty square feet gross floor area.

Barber shops, beauty shops, health spas and centers - One space per two hundred square feet of gross floor area plus one space per employee.

Bowling alleys - Six spaces per alley.

Carry-out restaurants - Thirteen spaces per each one thousand square feet of gross floor area.

Cartage and express facilities - One space per each three employees plus one space per each vehicle maintained.

Churches, high schools, stadiums, auditoriums and similar places of assembly - One space for each four fixed seats.

Commercial and private heliports - One space per each on thousand square feet of operational area.

Commercial skating rink - One space for each on hundred twenty-five square feet or fraction thereof of skating rink area.

Contractors or construction shops, office and yards - One space per each one thousand square feet of operational area.

Dance halls - One space per each one hundred square feet of gross floor area.

Drive-in restaurants - Eighteen spaces per each one thousand square feet of gross floor area.

Food or chain stores - Five spaces per each one thousand feet of gross floor area.

Funeral homes - One space per each fifty square feet area in assembly rooms or chapels.

Furniture stores - Two spaces for the first one thousand square feet plus one additional space for each four hundred square feet of floor area over one thousand square feet of retail area.

Greenhouse and nurseries - Enclosed retail area, one per each one hundred square feet of retail sales for the first five thousand square feet and one space for each two hundred square feet of retail sales area above five thousand square feet of retail area.

Hospitals, nursing, convalescent homes - One space for each two beds including cradles, children's beds.

Laundromats - One parking space for each two washing machines.

Medical and dental clinics - One space for each one hundred square feet of area.

Mobile homes - Two spaces per unit.

Office buildings - One space for each two hundred square feet of net office floor area.

Printing and publishing facilities - One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking

space.

Production or processing of materials, goods or products - One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking space.

Shopping centers - There shall be provided 3.0 parking spaces per one thousand square feet of gross leasable area for neighborhood and community shopping centers and 5.5 parking spaces per one thousand square feet of gross leasable area for regional shopping centers.

Single-family dwellings - Two spaces per unit.

Sit-down restaurants - Thirteen spaces per each thousand square feet of gross floor area.

Testing, repairing, cleaning, serving of materials, goods or products - One space per each two employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

Theater, drive-in - To be determined by the planning staff after review of site plans.

Theater, indoors; theater, outdoors - One space per each four seats.

Tourist homes, motels, hotels and boarding houses - One space for each accommodation.

Townhouses, patio houses, duplexes and other multi-family residential - Two spaces per unit.

Trailer sales and rental, boat showrooms and model home sales - One space per each three thousand square feet of business area.

Warehousing and wholesaling operations - One space per each three employees with customer parking as determined by the Planning Commission and in all cases a minimum of two customer parking spaces.

Other permitted uses - A total number of spaces sufficient to accommodate the vehicles of all employees of the establishment plus those of all persons who may be expected to visit the same at any time or as determined by the county planner and approved by the town's planning agent.

Other retail establishments not listed in this article - One space per each one hundred square feet of retail sales area for the first five thousand square feet and one space for each two hundred square feet of retail sales area above five thousand square feet.

ARTICLE XVI
SITE DEVELOPMENT PLAN
(Final Development Plan)

Section 16-1 Purpose and Intent: There is a mutual responsibility between the Town of Eastville and the developer to develop land in an orderly manner.

The purpose is to encourage innovative and creative design and facilitate use of the most advantageous techniques in the development of land in the Town of Eastville and to insure the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development.

Section 16-2 Development or Land Use Requiring a Site Development Plan: A site development plan is required and shall be submitted for the following:

A. Any development in which automobile parking space is to be used by more than one establishment.

B. Any use or development in all zoning districts except single-family detached dwelling units where a plat is submitted pursuant to the Town of Eastville Subdivision and Development Ordinance.

C. When a change is proposed in a previously approved site development plan.

D. When an existing residential use is proposed for change to a business, industrial, or multi-family residential use.

E. All public and/or semi-public buildings.

F. All other uses involving a structure required to be reviewed by the town under Section 15.1-456 of the Code of Virginia, as amended.

Section 16-3 Site Development Plan Information Required: Every site development plan, as hereafter provided, shall contain the following information:

A. Location of tract or parcel by vicinity map at a scale of not less than one inch equal to 2,000 feet and land marks sufficient to properly identify the location of the property.

B. A boundary survey of the tract or site plan limit with an error of closure within the limit of one in seven thousand five hundred related to the true meridian, and showing the location and type of boundary evidence.

C. A certificate or plat signed by the engineer or surveyor setting forth the source and title of the owner of the tract and the place of record of the last instrument in the chain of

title.

D. Existing and proposed streets and easements, their names, numbers and widths, existing and proposed utilities of all types; water courses and their names; owners, zoning and present use of adjoining tracts.

E. Location, type and size of ingress and egress to the site.

F. Location, type, size and height of all structures and fencing, screening and retaining walls where required under the provisions of applicable ordinances.

G. All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with the Town of Eastville Zoning Ordinance.

H. Number of floors, floor area, height and location of each building and proposed general use for each building. If a multi-family residential building, townhouse or patio house, the number, size and type of dwelling units shall be shown.

I. All shoreline alteration, including dredging, filling and bulkheading. Provision for a disposition of spoils. Provision for the prevention of a saltwater intrusion. Provision for preservation of the ecology of the area and prevention of damage to the groundwater supply.

J. Existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connections are made to an existing or a proposed central water and sewer system.

K. Provision for the adequate disposition of natural and storm water in accordance with design criteria and construction standards of the Commonwealth of Virginia and/or the town in effect at the time the site plan is submitted indicating location, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage systems.

L. Provision and schedule for the adequate control of erosion and sedimentation indicating proposed temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading and construction in keeping with the requirements of the Northampton County Erosion and Sediment Control Ordinance.

M. Existing topography accurately shown with a maximum of one foot contour intervals at a scale of not less than fifty feet to the inch.

N. Proposed finished grading be contour supplemented and where necessary by spot elevations.

O. All horizontal dimensions shown on the site of development plan shall be in feet and decimals of a foot to be closest to one hundredth of a foot; and all bearings in degrees, minutes and seconds to the nearest ten seconds.

P. A landscape design plan, based upon accepted professional design layouts and principles may be required by the agent and shall be submitted.

Q. Provisions for fire fighting services and facilities, including emergency services, if deemed appropriate.

Section 16-4 Site Development Plan - Preparation Procedure and Specific Items To Be Shown:

A. Any person submitting a site development plan shall submit written proof of notification of adjacent property owners.

Notice sent by mail to the last known address of such owner as shown on the current real estate tax assessment books of Northampton County shall be deemed adequate compliance with the requirement. The provision of notice shall be the responsibility of the owner or the developer. No site development plan shall be approved within five days of any such notice.

The notice shall state: The type of use, the date of submission, the specific location of the proposed development and the appropriate office where the site plan may be viewed.

B. The site plan or any portion thereof shall be prepared by persons qualified to do such work.

C. The site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date, and scale of drawing and number of sheets. In addition, it shall reserve a blank space four inches by four inches in size on the plan face for the use of the approving authority.

D. The site plan shall be prepared to the scale of one inch equals fifty feet or larger; not sheet shall exceed forty-two inches in size.

E. The site plan may be prepared on one or more sheets. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.

F. Six clearly legible blue or black line copies of a site development plan shall be filed with the agent for the Town.

G. Profiles shall be submitted for all sanitary and storm sewers, streets and curbs adjacent thereto, and other utilities, and shall be submitted on standard profile sheets. Special

studies as required may be submitted on standard cross-section paper and shall have a scale of one inch equal to 50 feet horizontally and one inch equal to 5 feet vertically. No sheet size shall exceed 42 inches. Flood plain limit studies required shall be shown on all profile sheets with reference to properties affected and center line of stream.

H. In addition to the information required on site development plans above, the following specific items shall also be shown on all site development plans if applicable:

(1) Right-of-way line(s), center lines, departing lot lines, lot numbers, subdivision limits, limits of construction and building locations.

(2) Center line curve data, including delta radius arc and chord and tangent.

(3) Radius of all curb returns to face of curb and on streets where curb and gutter are not required indicate radius to edge of bituminous treatment.

(4) The edge of proposed street surface or the face of curb as the case may be for full length of all streets.

(5) The width of rights-of-way, and all easements, and the width of surface or distance between curb faces and relation to center line. Easements and rights-of-way of all utilities shall be clearly defined for the purpose intended, and whether they are to be publicly or privately maintained.

(6) When proposed streets intersect with or adjoin existing streets or travel ways, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 100 feet or the length of connection, whichever is the greater distance.

(7) Existing and proposed drainage easements and the direction of drainage flow in streets, storm sewer, streams, and subdrainage, etc.

(8) All water mains, sizes, valves and fire hydrant locations.

(9) All sanitary or septic tank systems and storm sewers and appurtenances, identifying appurtenances by type and number. The station on the plan must conform to the station shown on the profile. Indicate the top and invert elevation of each structure.

(10) The contributing drainage area in acres (statistically). Show all culvert, pipe curb inlets and other entrances exclusive of driveway pipes.

(11) Flood plain limits which shall be established by current FIA maps, soil survey and/or engineering methods.

(12) The location of all or any springs either within the development or draining into street rights-of-way and indicate proposed method of treatment.

(13) The location of all streams or drainage ways related to the street construction as proposed by the developer and proposed drainage ditches or stream relocation. Easements shall not be considered part of the street right-of-way. Furnish details of a typical drainage section and type of stabilization to be provided.

(14) Type or class of concrete or treated metal drainage pipe to be installed and paved road site ditches as required.

(15) Location of "No-Through Street" signs where required on cul-de-sac streets or temporary cul-de-sac streets.

(16) The proper driveway entrance type, computed culvert size and/or Virginia Department of Highways design designation.

(17) Provision at ends of curb and gutter for erosion control.

(18) Typical street sections to be used.

(19) Symmetrical transition of pavement at intersection with existing streets.

(20) Connection to proposed Virginia Department of Highways construction when necessary.

(21) A minimum of two datum references for elevations used on plans and profiles and correlate, where practical, to U. S. Geological Survey datum.

(22) Any necessary notes that may be required to explain the intent and purposes of specific items on the plan or profile.

Section 16-5 Minimum Standards and Improvements Required:

A. All improvements required by this Article shall be installed at the cost of the developer. Where cost-sharing or reimbursement agreements between the County of Northampton or its incorporated towns and the developer are appropriate, the same shall be recognized by formal written agreement prior to site development plan approval and shall be subject to the Virginia Department of Highways and Transportation review and acceptance. Where specifications have been established either by the Virginia Department of Highways and Transportation for streets, etc., or by this ordinance for related facilities and utilities, such specifications shall be followed. The developers performance bond shall not be released until construction has been inspected and accepted by the County, Town and by the Virginia Department of Highways and Transportation.

B. Prior to approval of any site plan, there shall be executed by the owner or developer an agreement to construct required physical improvements located within public rights-of-way or easements or connected to any public facility, together with a bond with surety approved by the governing body in the amount of the estimated cost of the required physical improvements as determined by the agent for the Town of Eastville. The agreement and bond or condition shall provide for the completion of all work within a time specified to be determined by the agent.

C. Lot sizes for residential areas shall conform to the Zoning Ordinance in effect for the Town of Eastville at the time of filing of the site development plan.

D. Condominium and common wall house projects of all types shall indicate on the plat those areas reserved for rental purposes and those areas reserved for sale purposes. All common wall housing projects where programmed for sale purposes shall be required to submit a subdivision plat showing all lots as required by the Town of Eastville Subdivision and Development Ordinance.

E. Where the adopted Comprehensive Plan for the Town of Eastville indicates a proposed right-of-way greater than that existing along the boundaries of the site development plan, such addition or right-of-way shall be dedicated for public use when the plan is approved. Where a site development plan is presented on public streets of less than fifty feet in width, additional right-of-way shall be added so that the public street or right-of-way shall be a minimum of twenty-five feet from the existing center line. All building setbacks shall be measured from the additional dedicated right-of-way.

F. All street and highway construction standards and geometric design shall be in accord with those specified in the Town of Eastville Subdivision and Development Ordinance.

G. The pavement of vehicular travel lanes or driveways designed to permit vehicular travel on the site and to and from adjacent property and parking ares shall be not less than twenty feet in width.

On any site bordering a primary, arterial or interstate highway or adjacent to an existing service road in the State highway system, the developer, in lieu of providing travel lanes, parking areas and adjacent property, may dedicate where necessary for such roads. In such event, the setback requirement shall be no greater if the service road is dedicated than the setback required without the dedication, except in no instance shall a building be constructed closer than twenty feet from the nearest right-of-way line.

Upon satisfactory completion, inspection, and only upon application by the developer, the Town of Eastville shall take the necessary steps to have such service road accepted by the Virginia Department of Highways and Transportation for maintenance.

H. Where pipestem residential lots are used in a site development plan, the width of the pipestem (driveway) shall not be less than twenty-five feet, and the length of the pipestem

(driveway) shall not be greater than 200 feet from the street right-of-way line to which the lot has access provided the length may be varied upon approval of the agent.

I. Cul-de-sacs shall be designed and constructed in accordance with the street standards specified in the Town of Eastville Subdivision and Development Ordinance, and may be not construed or employed as a parking bay.

J. Parking bays shall be constructed to the same construction standard as the appurtenant public street to which the parking bay abuts and be of a dustless surface.

K. Where geometric design standards are modified from those required in the Town of Eastville Subdivision and Development Ordinance as set forth in item "f" above, the developer shall be responsible for the placing of "No Parking" signs on all travel lanes, driveways or streets to prohibit parking on such roads or driveways.

L. Adequate easements shall be provided for drainage and all utilities. Minimum easement width shall be fifteen feet. Where multiple structures or pipes are installed or the edge of the easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.

M. Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided. The extent and nature of both on-site and off-site treatment is to be determined by the developer in conference with the agent for the Town of Eastville.

N. Provision shall be made for all necessary temporary and permanent erosion and sedimentation control measures, both on and off-site. The extent of the control measures, both on- and off-site, are to be established by the developer and recommended by Eastern Shore Soil and Water Conservation District and approved by the governing body.

O. Adequate provision shall be made by the developer for all utilities, both on-site and off-site. Design requirements shall be established by the developer in conference with the agent for the Town of Eastville.

Percolation tests and/or other methods of soil evaluation deemed necessary by the Health Department shall be the responsibility of the developer.

When central water and/or sewer systems having sufficient capacity either exist or are proposed within a reasonable distance of the area of the site development plan, provisions shall be made to connect to the system.

P. All public facilities, utility and drainage easements outside the right-of-way of public streets or accessways are to be shown on the final site development plan. Where it is necessary to place public utilities in public rights-of-way, a permit shall first be obtained from the governing body or its agent for such installation. Utility installations to be installed in public streets and rights-of-way shall be coordinated with street construction

plans and profiles approved by the Virginia Department of Highways and Transportation resident engineer for Northampton County.

Q. Site development plans for large residential areas shall consider the provision of suitable areas for parks, schools, open space and other public or private recreational use, recognizing proposals for same in the adopted Eastville Town Plan.

The developer shall confer with the agent for the Town of Eastville and/or appropriate public officials of the Town to ascertain if, and when, and in what manner such areas will be reserved for and/or acquired by the governing body.

This provision shall not be construed to preclude the dedication of any property for public use which is not included in the Comprehensive Plan, provided such property is acceptable to the Town for dedication and maintenance.

R. Adequate fire hydrants and distribution systems shall be provided by the developer in areas where central or public water systems are available.

S. Provisions shall be made for sidewalks and pedestrian walkways which will enable patrons and/or tenants to walk safely and conveniently from one building to another or to adjacent sites as well.

Where feasible, pedestrian underpasses or overpasses are to be encouraged in conjunction with major vehicular routes.

Provision shall be made where appropriate for pedestrian walkways and equestrian ways in relation to private and public areas of recreation and open space, e.g. schools, parks, gardens and areas of similar nature.

Connections shall be made wherever possible of all walkways and equestrian ways with similar facilities on adjacent developments.

T. Landscape planting, screening, fences, walks, curbs, gutters and other physical improvements as required by ordinances and the regulations of the Virginia Department of Highways shall be provided by the developer.

U. One set of approved plans, profiles and specifications shall be at the site at all times when work is being performed.

V. Upon the completion of all required improvements shown on the approved site development plan, the developer shall submit to the agent for the governing body two copies of the completed as-built site plan or building location plat certified by an engineer, architect or surveyor. The "As-Built Site Plan" shall be submitted at least one week prior to the anticipated occupancy of any building for the review and approval by the agent for conformity with the approved site plan and the ordinances and regulations

of the Town of Eastville, Northampton County and State agencies.

W. The approval of a site development plan or the installation of the improvement as required in this ordinance shall not obligate the Town of Eastville to accept improvements for maintenance, repair or operation. Acceptance shall be subject to Town, County and/or State regulations, where applicable, concerning the acceptance of each type of improvement.

Section 16-6 Administration and Procedures for Processing Site Development Plans:

A. The agent appointed by the governing body is delegated the authority and power to administer the Site Development Plan Ordinance.

B. The Northampton County Director of Planning and Zoning is designated the agent for the Town of Eastville.

C. The agent shall be responsible for the receipt, review, processing and approval of site development plans.

D. The agent may request opinions and/or decisions from other departments, divisions, agencies, or authorities of the Town and/or County government, officials, departments or agencies of the Commonwealth of Virginia, or from other persons as may from time to time be retained.

E. The agent, subject to approval of the governing body, may from time to time establish reasonable administrative procedures necessary for the proper administration of the ordinance.

F. Any person aggrieved of any decision of the agent pursuant to this ordinance may within ten days of such decision appeal in writing to have a determination made by the governing body.

G. Approval, modification and approval, or disapproval of a site development plan by the governing body or its agent shall occur within 90 days of filing of the required documents in the office of the agent, unless abnormal circumstances exist in which case the time may be extended by action of the governing body.

H. No public easement, right-of-way or public dedication shown on any site development plan shall be accepted for dedication for public use until such proposed dedication shall first be approved by the governing body and evidence of such approval is shown on the instrument to be recorded.

I. Approval of a site development plan pursuant to this ordinance shall expire 18 months after the date of approval unless building permits have been obtained for construction.

Extensions may be granted upon written request by the applicant to the agent for the Town of Eastville prior to lapse of approval and extension of all bond and surety agreements.

J. No permit shall be issued by any administrative officer or agent of Northampton County for the construction of any building or improvement requiring a permit in any area covered by the site development plan except in conformity to the provisions of this ordinance and after approval of a site development plan.

K. County and State agencies responsible for the supervision and enforcement of this ordinance shall periodically inspect the site during the period of construction.

L. Upon compliance with the terms of this ordinance and the satisfactory completion of construction, the agent of the Town of Eastville shall furnish a certificate of approval. Certificates of approval, upon ratification by the governing body, shall release all of the bonds which may have been furnished.

M. Any requirement of this Article may be waived by the governing body where the applicant establishes that an undue hardship would be created by the strict enforcement of this ordinance, providing such a waiver, as requested, shall not be adverse to the purposes of this ordinance.

N. No change, revision or erasure shall be made on any pending final site development plan or on any accompanying data sheet where approval has been endorsed on the plat or sheets unless authorization for such changes is granted in writing by the approving body or the agent.

O. Any site development plan may be revised, provided request for revision shall be filed and processed in the same manner as the original site plan.

P. The Eastville Town Council, by resolution, shall establish from time to time a schedule of fees for the examination and approval or disapproval of site development plans.

Such fee shall be payable to the Town of Eastville and shall be submitted to the agent in the following manner: Fifty percent due and payable at the time of filing a site development plan and fifty percent due and payable prior to final approval.

Q. The Eastville Town Council reserves the right to review a site plan and any action of the agent.

ARTICLE XVII
SUPPLEMENTAL DISTRICT REGULATIONS

Section 17-1 Lot Width - How Measured: Lot width at the front lot line shall be measured as the shortest distance between the two points created where the side lot lines intersect the front lot line.

Lot width at the front building line shall be measured as the shortest distance along a straight line which passes through a point on each side lot line and the point on the building, structure or use, subject to such regulation, nearest the front lot line.

Lot width at the shoreline shall be measured at the straight line distance which is the shortest of the following:

A. A line between the points of intersection of the side lot lines with the shoreline.

B. A line drawn perpendicular to a side lot line from the point of intersection with the shoreline and intersecting the other side lot line or such side lot line extended.

Section 17-2 Wetlands and Water Areas Excluded from Lot Area: In calculating the area of any lot for the purpose of compliance with the minimum lot area requirements of the district regulations, wetlands and areas outboard of the shoreline shall be excluded.

Section 17-3 Setback Modification: Architectural features such as cornices, eaves, fire escapes, stairs, landings, bay windows, chimneys, but not walls or porches, may protrude into any required setback a distance not to exceed one-fifth of the required setback or six feet, whichever is the lesser.

Section 17-4 Required Setbacks Cannot Be Reduced: No lot shall be reduced in area so as to make any setback or any other open space less than the minimum required by this ordinance and if already less than the minimum required, such setback shall not further be reduced, except as a variance by approval of the Board of Appeals in accordance with the provisions of Article 6 hereof. No part of a setback or other open space complying with the requirements of this ordinance shall be considered as part of the required setback or other open space required under this ordinance for another building, structure or use.

Section 17-5 Height Limit - How Measured: The district height limits for buildings and structures shall be measured as the vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average point between eaves and ridge for gable, hip and gambrel roofs.

Section 17-6 Structures Permitted Above the Height Limit: The Board of Zoning Appeals may as a variance increase the permitted height or number of stories if, in the view of the Board, such increase is reasonably necessary for the proposed purpose and no adverse neighborhood effects or safety hazard will be created.

The following structures are not subject to the district height regulations:

A. Farm buildings and structures, but not including dwellings.

B. Steeples, flag poles, smoke stacks, masts and water tanks up to a height of one hundred fifty feet.

C. Parapet and fire walls, penthouses, monitors and roof structures for housing stairways, elevator, tanks, ventilating fans or similar equipment to operate and maintain a building or enclosed manufacturing process provided that all such structures above the height limit otherwise permitted in the district do not occupy more than twenty-five percent of the roof area of the building or structures.

D. Radio, T.V., and micro-wave towers and similar structures.

Section 17-7 Accessory Uses and Structures:

A. Location and Height - No accessory structures, except roadside stands, signs and temporary structures shall be located in any required yard other than a rear yard, provided, however, that on a corner lot no accessory structure shall be located nearer a corner lot line than the minimum side building setback required in the district. No accessory structures within fifteen feet of a lot line shall be more than fifteen feet in height.

B. Not Permitted Prior to Principal Use or Structure - No accessory use or structures shall be permitted on a lot until:

(1) The principal use or structure has previously been established, or
(2) Construction has begun on the principal structure and is diligently pursued.

C. Temporary Construction Structures - Temporary buildings and structures, including mobile homes, recreational vehicles and other highway vehicles may be erected or placed on a construction site in all districts as an accessory structure if such buildings' structures or vehicles are incidental and reasonably necessary to construction work on the premises. Such temporary buildings, structures or vehicles shall be placed on a construction site only after a building permit has been issued for the on-site construction work to be performed. When such construction work is completed or abandoned, when the building permit expires or is revoked, whichever comes first, such temporary buildings, structures or vehicles shall be removed.

D. Temporary Emergency Housing - If an occupied single-family dwelling or mobile home in any district shall burn, flood or be otherwise damaged or destroyed by any cause to a degree so as to make it unsafe or unhealthy for human occupancy, nothing in the ordinance shall prohibit the temporary placement of a mobile home on the premises as an accessory structure for the purpose of providing emergency housing for the displaced occupants, provided the mobile home is placed in the location on the property specified by the Planning Director, the mobile home is provided with water supply and sewage disposal system approved by the Health Officer and the mobile home shall be removed from the site when the damaged dwelling is repaired or replaced or within twelve months, whichever shall come first, except the Planning Director may grant an extension not to exceed an additional six months.

Section 17-8 Traffic Visibility:

A. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede a motorist's vision between a height of two and one-half and ten feet above the centerline grades of the intersecting roads in the area bounded by the road rights-of-way adjoining such corner lot and a line joining points along such road rights-of-way fifty feet from this point of intersection.

Section 17-9 Shopping Centers - Access Regulations: Shopping centers shall have access to primary and established secondary collector roads in accordance with the minimum standards:

A. There shall be no more than one access point permitted per five hundred lineal feet of frontage.

B. Acceleration and deceleration lanes shall be provided for all entrance and exits. An additional lane of traffic may be required to accommodate safe ingress and egress from U. S. Highway 13.

C. The use of service roads shall be provided for all entrance and exits. An additional lane of traffic may be required to accommodate safe ingress and egress from U. S. Highway 13.

D. Principal vehicular access points shall be designed or redesigned to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left turn storage and right hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Section 17-10 Cluster Alternative Development:

A. Cluster Alternative Objective - The objective of the "Cluster Alternative Residential Development" is flexibility with the objectives to (1) provide a more desirable living environment, (2) encourage creative approaches in residential development, (3) encourage a more efficient, aesthetic and desirable use of open area, (4) encourage variety in the physical development pattern of the Town, (5) assist in reducing cost in residential development, and (6) maintain the natural resources in the Town.

B. Cluster Density and Intensity - Residential Cluster Alternative Development, under subdivision and site control may be permitted provided the gross population or housing density or intensity of an area remains unchanged and conforms to the basic overall density requirements of the zoning district in which the development is proposed. However, lot dimensions and area may be reduced to the minimums indicated in Section 18-11(c) herein.

C. Zoning District Permitting Cluster Alternative Development - Residential minimum lot sizes for detached single-family dwellings in the R-20, R-11 and RM zoning districts may be reduced in area in the following manner:

Minimum Lot Area Under Cluster Development

District	Standard Lot Area	With Public Sewer & Water	With Public Sewer or Water But Not Both	Individual Septic Tank WaterSystems
R-20	20,000 sq.ft.	13,000 sq.ft.	15,000 sq.ft.	20,000 sqft
R-11	20,000 sq.ft.	8,000 sq.ft.	11,000 sq.ft.	20,000 sqft
RM	20,000 sq.ft.	8,000 sq.ft.	11,000 sq.ft.	20,000 sqft

D. Disposition of Land Gained -

(1) Except as provided by Subsection 17-(d)(2) herein, all land gained with a cluster alternative subdivision, through reduction of lot size below minimum ordinance requirements shall be dedicated to the Town of Eastville for open space for parks, recreation or related uses; or deeded to a home owner association within the proposed development for maintenance and operation. In the case where the gained land is deeded to a home owner association, the applicant shall furnish a proposed deed of dedication, including restrictions, safeguarding the use of open spaces and preventing encroachment upon open space between structures.

(2) Streets within the Cluster Alternative Development may be included in the land gained through reduction.

Section 17-11 Automobile Graveyard-Junkyard: Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance, shall be allowed one year after adoption of this ordinance in which to completely screen, on any side open to view from a public road or a private residence, the operation or use by a masonry wall, a uniformly painted solid board fence or an evergreen hedge 6 feet or more in height.

Section 17-12 Requirements for Condominiums:

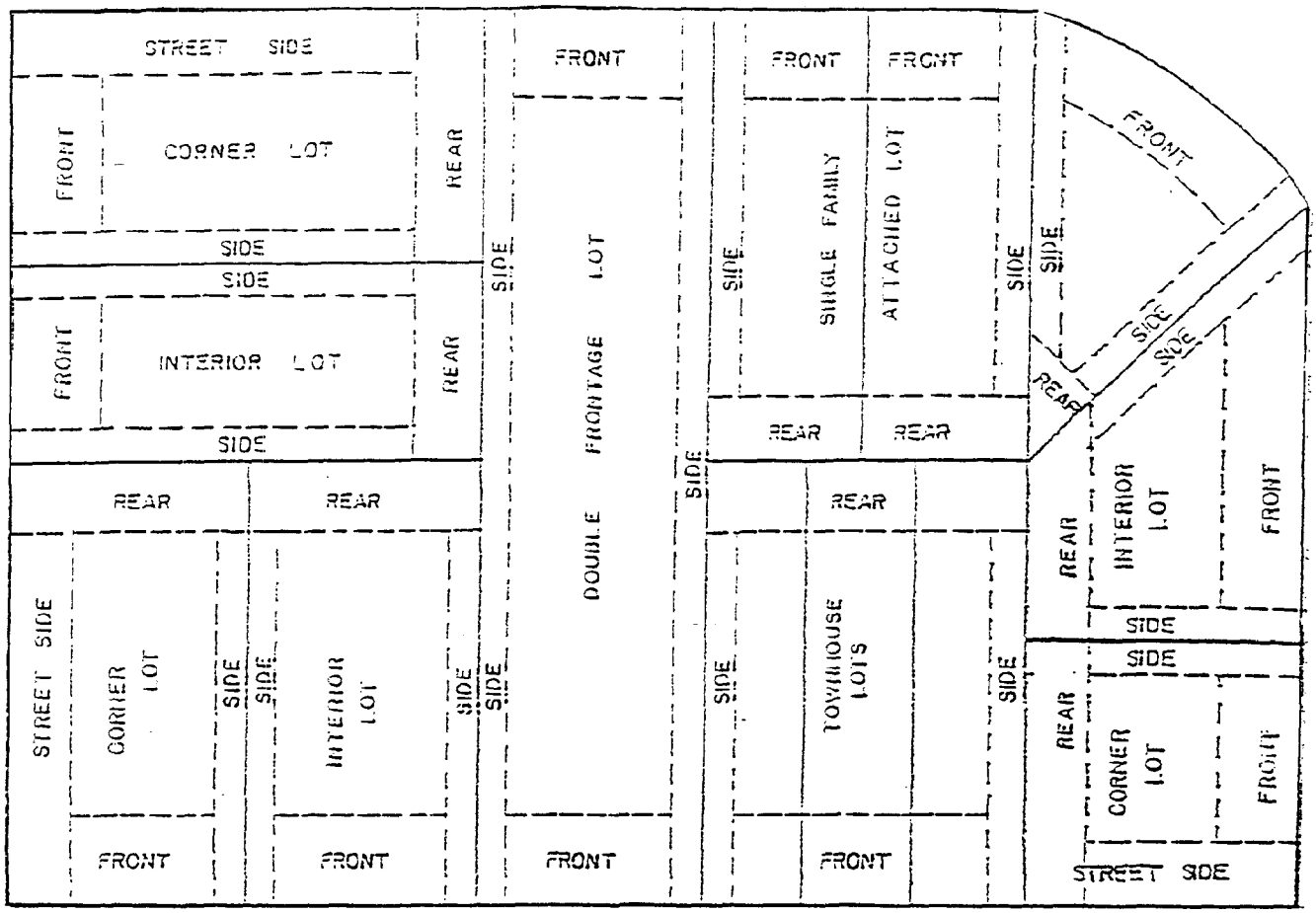
Section 17-12.1 Definitions: For purposes of this section, the meaning of all terms shall be controlled by Section 55-79.41 of the Code of Virginia.

Section 17-12.2 Where Permitted: Condominiums shall be permitted in all zones in which is permitted any physically identical development, provided that site plan approval shall be required for any condominium development.

Section 17-12.3 Compliance with Ordinance: All condominiums and the use thereof shall in all respects comply with the provisions of this ordinance and its districts, and no vested rights shall be created upon the conversion to condominiums of the use thereof if either the condominium or the use thereof does not conform to the provisions of this ordinance. Except as otherwise specified, provisions of this ordinance applicable to condominiums shall be those provisions applicable to physically identical developments.

Section 17-13 Interpretation of Lot and Yard Designations: The following diagram , Figure 3, shall be utilized as a guide to interpret lot and yard designation but is not intended to include all possible designations.

Figure 3


STREET SIDE
FRONT
CORNER LOT
REAR
SIDE
SIDE
FRONT
INTERIOR LOT
REAR
SIDE
REAR
REAR
STREET SIDE
CORNER LOT
SIDE
FRONT
SIDE
INTERIOR LOT
REAR
SIDE
FRONT
FRONT
DOUBLE FRONTAGE LOT
SIDE
FRONT
SIDE
SINGLE FAMILY
FRONT
ATTACHED LOT
SIDE
REAR
REAR
REAR
TOWNHOUSE LOTS
SIDE
FRONT
FRONT
SIDE
SIDE
SIDE
REAR
INTERIOR LOT
FRONT
SIDE
SIDE
REAR
CORNER LOT
FRONT
STREET SIDE

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